

Public Display

BOARD PACKET
BOARD OF SUPERVISORS
REORGANIZATIONAL
MEETING
JANUARY 3, 2017



PITTSYLVANIA COUNTY BOARD OF SUPERVISORS
REORGANIZATIONAL MEETING
TUESDAY, JANUARY 3, 2017
GENERAL DISTRICT COURTROOM
EDWIN R. SHIELDS COURTHOUSE ADDITION

AGENDA

1. Call to Order – 7:00 p.m.
2. Roll Call
3. Moment of Silence
4. Pledge of Allegiance
5. Items to be added to the Agenda
(a)

REORGANIZATION OF THE BOARD:

6. Election of Chairman *Page 10*
 - (a) Duties of Chairman – County Administrator
 - (b) Nomination and Election of Chairman – County Administrator
 - (c) Turn Meeting Over to the New Chairman

Nomination: _____

Motion by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren
Seconded by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

Nomination: _____

Motion by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren
Seconded by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

Turn Meeting Over to the New Chairman: _____

7. Election of Vice-Chairman *Page 11*

Nomination: _____

Motion by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren
Seconded by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

Nomination: _____

Motion by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren
Seconded by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

8. By Laws and Rules of Order
(a) Adoption of By Laws *Pages 12-23*

Motion by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren
Seconded by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

- (b) Robert's Rules of Order *Page*

Motion by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren
Seconded by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

9. Set Day and Time of Regular Meeting

Motion by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren
Seconded by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

APPOINTMENT OF COMMITTEES BY CHAIRMAN:

10. Standing Committees

- (a) Finance/Insurance Committee (4 members)

1. _____

2. _____

3. _____

4. _____

- (b) Personnel Committee (3 members)

1. _____

2. _____

3. _____

- (c) Property/Building Committee (3 members)

1. _____

2. _____

3. _____

- (d) Legislative Committee (3 members)

1. _____

2. _____

3. _____

11. Special Committees

(a) Solid Waste Committee (3 members)

1. _____

2. _____

3. _____

(b) Computer/Radio/Telecommunications Committee (3 members)

1. _____

2. _____

3. _____

(c) Board of Supervisors/School Board Liaison Committee (3 members)

1. _____

2. _____

3. _____

(d) Fire & Rescue Policies and Procedures Committee (3 members)

1. _____

2. _____

3. _____

(e) Economic Development Committee (3 members)

1. _____

2. _____

3. _____

(f) Agricultural Development Board (1 member)

1. _____

(g) Animal Welfare Facility Committee (3 members)

1. _____

2. _____

3. _____

OTHER APPOINTMENTS BY CHAIRMAN:

12. Danville-Pittsylvania County Regional Facility Authority:
_____ (Remainder of the 4-year),
_____ (Remainder of the 2-year);
Alternate: _____ (1-year)
13. Board Member (1) to the Pittsylvania County Planning Commission

14. Board Member (1) to the Virginia Association of Counties

15. Board Members (3) to the Metropolitan Planning Organization (MPO)
1. _____
2. _____
- (Assistant County Administrator for Planning & Development is the alternate)
16. Elected Officials (2) to the SARA Title III (LEPC)
1. _____
2. _____
17. Board Member (1) to the Pittsylvania County Social Services Board

18. Board Member (1) to the Roanoke River Basin Association

19. Board Member (1) to the Dan River Business Development Center (DRBDC)

20. Board Members (2) to the West Piedmont Planning District Commission
1. _____
2. _____
21. Board Member (1) to Fire/Rescue Emergency Medical Advisory Committee (EMAC)

22. Board Member (1) to Local Elected Officials (LEO)

23. Board Member (1) to Tri-County Lake Administrative Commission (TLAC)

APPROVAL OF AGENDA

Motion by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren
Seconded by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

HEARING OF CITIZENS

CONSENT AGENDA

- 24. (a) Minutes: December 5, 2016 Regular Meeting *Pages 29-34*
December 13, 2016 Adjourned Meeting *Pages 35-45*
- (b) Bill List: December 2016

Motion by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren
Seconded by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

NEW BUSINESS

- 25. Virginia Conflict of Interest Act (COIA) Forms Discretionary Filing
Resolution 2017-01-01 *Pages 47-48*

Motion by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren
Seconded by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

Roll Call Vote

	Y	N	A	<i>Comments:</i> _____
Barber				_____
Hagerman				_____
Blackstock				_____
Scearce				_____
Davis				_____
Warren				_____
Barksdale				_____

(Roll Call Vote Y or N)

- 26. Community Policy Management Team (CPMT) Attendance Report and Parent
Representative Appointment *Pages 49-50*

Motion by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren
Seconded by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

APPOINTMENTS BY THE BOARD

27. Appointment – Community Policy Management Team (CPMT) - Government Representative (Board Member)

Nomination: _____

Motion by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

Seconded by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

28. Appointments – Tri-County Lakes Administrative Commission *Page 52*

Nomination: David M. Smitherman, County Administrator (required);

Pittsylvania County Citizen Representative _____;

Motion by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

Seconded by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

29. Recommendation from Board of Supervisors – Board of Zoning Appeals Appointment

Pages 53-56

Motion by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

Seconded by: Barber Barksdale Blackstock Davis Hagerman Scearce Warren

BOARD ANNOUNCEMENTS

REPORTS FROM LEGAL COUNSEL

REPORTS FROM COUNTY ADMINISTRATOR

1. Proposed Budget Calendar for FY2017/18 *Pages 60*
 2. FERC Draft Environmental Impact Statement for Mountain Valley Project *Pages 61-90*
 3. Animal Control / CoP Activity Reports – December 2016 *Pages 91-92*
 4. Building & Grounds Monthly Reports – December 2016 *Pages 93-94*
 5. Code Compliance Report & Fees – December 2016 *Page 95*
 6. Code Compliance Report & Fees for 2016 *Page 96*
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ADJOURNMENT

Motion: Barber Hagerman Blackstock Davis Scearce Warren Barksdale

Second: Barber Hagerman Blackstock Davis Scearce Warren Barksdale

Time: _____

REORGANIZATION OF THE BOARD

PITTSYLVANIA COUNTY
Board of Supervisors

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Election of Chairman</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Election of Chairman</p> <p><u>STAFF CONTACT(S):</u> Mr. Smitherman</p>	<p><u>AGENDA DATE:</u> 01-03-2017</p> <p><u>ACTION:</u> Yes</p> <p><u>CONSENT AGENDA:</u> <u>ACTION:</u></p> <p><u>ATTACHMENTS:</u> No</p> <p><u>REVIEWED BY:</u> </p>	<p><u>ITEM NUMBER:</u> 6</p> <p><u>INFORMATION:</u></p> <p><u>INFORMATION:</u></p>
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BACKGROUND:

The Pittsylvania County Board of Supervisors, in accordance with the current by-laws of the Board of Supervisors until those by-laws are changed by a new Board, require the election of the chairman at the re-organizational meeting in January each year.

DISCUSSION:

The County Administrator will take the seat as the Chair of the Re-Organizational Meeting of the Pittsylvania County Board of Supervisors on Tuesday, January 3, 2017. In accordance with the current bylaws of the Board of Supervisors, the County Administrator will take nominations for the election of Chairman from the floor. The vote will be taken in the order that the nominations were made in accordance with the bylaws.

RECOMMENDATION:

The County Administrator will turn the meeting over to the new Chairman upon the election of a new Chairman.

PITTSYLVANIA COUNTY
Board of Supervisors

EXECUTIVE SUMMARY

<u>AGENDA TITLE:</u> Election of Vice Chairman	<u>AGENDA DATE:</u> 01-03-2017	<u>ITEM NUMBER:</u> 7
<u>SUBJECT/PROPOSAL/REQUEST:</u> Election of Vice Chairman	<u>ACTION:</u> Yes	<u>INFORMATION:</u>
<u>STAFF CONTACT(S):</u> Mr. Smitherman	<u>CONSENT AGENDA:</u> <u>ACTION:</u>	<u>INFORMATION:</u>
	<u>ATTACHMENTS:</u> No	
	REVIEWED BY: 	

BACKGROUND:

The Chairman of the Board will take the seat as Chairman and take nominations from the floor for election of a Vice Chairman.

DISCUSSION:

The vote of the nominations will be taken in the order that the nominations are made in accordance with the bylaws, same as the Chairman.

RECOMMENDATION:

The Chairman will count and confirm Vice Chairman of the Board.

PITTSYLVANIA COUNTY
Board of Supervisors

EXECUTIVE SUMMARY

<u>AGENDA TITLE:</u> Adoption of Bylaws	<u>AGENDA DATE:</u> 01-03-2017	<u>ITEM NUMBER:</u> 8(a)
<u>SUBJECT/PROPOSAL/REQUEST:</u> Adoption of New Bylaws	<u>ACTION:</u> Yes	<u>INFORMATION:</u>
<u>STAFF CONTACT(S):</u> Mr. Smitherman	<u>CONSENT AGENDA:</u> <u>ACTION:</u>	<u>INFORMATION:</u>
	<u>ATTACHMENTS:</u> Yes	
	<u>REVIEWED BY:</u> 	

BACKGROUND:

DISCUSSION:

Board of Supervisors are required to adopt bylaws at their re-organizational meeting in January of each year (see attached). Adoption of the bylaws requires a simple majority vote of the Board and they are effective immediately upon passage.

RECOMMENDATION:

Staff submits this to the Board of Supervisors for their review, consideration and approval.

BY-LAWS, RULES OF PROCEDURE, AND STANDARDS OF CONDUCT
OF THE BOARD OF SUPERVISORS OF
PITTSYLVANIA COUNTY, VIRGINIA

(B.S.M. 2/02/04, 4/15/08, 2/02/09, 2/01/10, 4/20/10, 9/20/11, 6/19/12, 2/4/13, 7/01/13, 10/06/14,
11/03/14, 6/06/16)

PURPOSE:

To establish and set forth certain rules to provide for the orderly conduct of County business, to prescribe the manner and procedure by which the Board of Supervisors shall conduct matters of business, and to provide for the efficient handling thereof.

GENERAL:

The term "Board of Supervisors" shall also be understood to mean "the Board" wherein it appears.

ARTICLE I. Election, Composition, and Function of the Board.

1.1. The Board shall be composed of seven (7) members who shall be elected by the qualified voters of the County; one (1) member shall be elected from each of the seven (7) election districts. Pursuant to § 24.2-219 of the Code of Virginia, 1950, as amended, beginning with the November 2015 General Election, the Pittsylvania County Board of Supervisors shall be elected to staggered terms as follows: the voters in the Banister, Callands-Gretna, and Dan River Election Districts shall elect a member of the Board of Supervisors for a two-year term, and the voters in the Chatham-Blairs, Staunton River, Tunstall, and Westover Election Districts shall elect a member of the Board of Supervisors for a four-year term. At the November 2017 General Election, the voters in the three (3) Election Districts in which a Supervisor was elected for a two -year term shall elect a Supervisor for a four-year term, and thereafter elections for all Supervisors will be held on a biennial basis for four-year terms.

1.2. At the first regular meeting of the Board in January each year, there shall be elected a chairman to serve for a period of one (1) year expiring on December 31st, or until replaced by the Board membership. The County Administrator, serving as temporary Chairman, shall take nominations. Nominations require a second, and the vote will be taken in the order the nominations are made. A majority vote is required; a majority shall mean four (4) votes. It shall be the Chairman's duty to preside at all Board meetings, to maintain the orderly conduct thereof, and rule on all matters of parliamentary procedure. He shall sign all voucher warrants of the County; and when the Board is not in session, he shall provide policy guidance to the County Administrator and the County Attorney. The Chairman shall continue to be a voting member of the Board.

1.3. The Board shall also elect a Vice-Chairman to serve a concurrent term with the Chairman. In absence or incapacity of the Chairman, the Vice-Chairman shall assume all the duties and functions of the Chairman. In the case where the Chairman and Vice Chairman are absent from a meeting, the members present shall choose one of their number as temporary Chairman.

1.4. The Board shall have both administrative and legislative responsibilities, some of which shall be discharged in their role as governing body and some of which they derive as an administrative political subdivision of the Commonwealth. The powers and duties of the Board shall include, but not be limited to, the following: preparation and adoption of the County Budget, levying of taxes, appropriating funds, constructing and maintaining County buildings, making and enforcing ordinances, providing for the general health safety and welfare of the public, and generally exercising all other powers and functions normally attributed to government and permitted by the Laws of the Commonwealth.

ARTICLE II. Meetings.

2.1. The Board shall meet regularly on the first Monday and the third Tuesday of each month at 7:00 p.m. for the purpose of discharging their administrative and legislative responsibilities.

2.2. All such meetings shall be open to the public and shall be conducted in an orderly fashion with “Robert’s Rules of Order” modified by State Law, being used as the parliamentary procedure.

2.3. The Sheriff of the County or his designee shall act as “Sergeant of Arms” at all meetings of the Board and shall, when so directed by the Chairman, expel any person or persons from such meetings.

2.4. For the purpose of address and order, the Board and its staff shall sit in front of the “public rail” in the Courtroom and all other persons shall sit behind the “public rail”.

2.5. Agendas shall be prepared by the Board’s staff and used at all meetings. All items requested to be placed on the agenda shall be submitted in writing to the County Administrator five (5) working days before the meeting; however, members of the Board of Supervisors may make oral requests. Any items received after that time shall appear on the next regular meeting agenda unless all members of the Board are present and by a unanimous vote to place such items upon the agenda.

2.6. The order of business at all regular meetings of the Board shall be as follows. No additional items of business shall be considered after the agenda is approved.

Call to Order
Moment of Silence and/or Silent Prayer
Roll Call
Pledge of Allegiance
Items to be Added to the Agenda
Approval of Agenda
Consent Agenda
Public Hearing (if any)
Presentations/Recognitions
Hearing of Citizens
Unfinished Business
New Business
Appointments

Reports from Board Members
Reports from Officers and Committees
Reports from County Attorney
Reports from County Administrator
Closed Meeting (if needed)
Adjournment

2.7. All presentations to the Board shall normally be limited to no more than ten (10) minutes, except as herein provided.

2.8. Public hearings shall be conducted as follows and any person wishing to address the Board shall do so in this manner:

Each person addressing the Board shall step up, give his/her name and district in an audible tone of voice for the record, and unless further time is granted by the Chairman, shall limit his/her address to three (3) minutes; speakers for a group shall be limited to ten (10) minutes. Speakers shall conclude their remarks at that time unless the consent of the Board is affirmatively given to extend the speakers allotted time. No person shall be permitted to address the Board more than once on the same subject in any one (1) meeting, but may also address the Board once on more than one (1) subject. All remarks shall be addressed to the Board as a body and not to any individual member thereof. No person, other than the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or indirectly or through a member of the Board, without first being recognized by the Chairman. No question shall be asked a Board member except through the Chairman.

2.8.1. Hearing of Citizens shall be identified on the agenda of regular meetings of the Board of Supervisors.

Each person addressing the Board shall be a resident or land owner of Pittsylvania County, or the registered agent of such resident or land owner. Each person shall step up, give his/her name and district in an audible tone of voice for the record, and unless further time is granted by the Chairman, shall limit his/her address to three (3) minutes. Speakers shall conclude their remarks at that time, unless the consent of the Board is affirmatively given to extend the speaker's allotted time. All remarks shall be addressed to the Board as a body and not to any individual member thereof. No person, other than the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or indirectly or through a member of the Board, without first being recognized by the Chairman. No question shall be asked a Board member except through the Chairman.

2.9. The Board may from time-to-time hold special, adjourned, and informational meetings in accordance with the laws of the Commonwealth.

2.10. Each oral motion or resolution shall be taken down by the Deputy Clerk or Chairman and read back to the whole Board by the Deputy Clerk or the Chairman before any vote is taken.

2.11. Matters presented by the Board are generally used for individual Board members to share information with other members of the Board and the public. Prior to the agenda being prepared,

a member of the Board may contact the Clerk or Deputy Clerk and have an item included under this heading. The County Administrator shall prepare an Executive summary which will inform other members of the Board of the particulars pertaining to this item.

2.12. Closed Meetings of the Board shall be requested in the same manner as prescribed in Section 2.5, or by a motion to suspend the rules carried by a majority of the Board; provided all Board members are present.

2.13. Quorum and Method of Voting

At any meeting a majority of the supervisors shall constitute a quorum. All questions submitted to the Board for decision shall be determined by a *viva voce* vote of a majority of the supervisors voting on any such question, unless otherwise provided by law. The name of each member voting and how he or she voted must be recorded. The Board of Supervisors has elected not to have a tie breaker as provided for by the Code of Virginia, and a tie vote on any motion shall be considered defeated as provided for in Section 15.2-1420 of the Code of Virginia, 1950, as amended.

Each member present when a question is put shall vote "yes" or "no." No member shall be excused from voting except on matters involving the consideration of his own official conduct or where his own financial interests are involved or where he may have a conflict of interest, pursuant to the Virginia State and Local Government Conflict of Interests Act (Title 2.2, Chapter 31 of the Code of Virginia, Section 2.2-3100, 1950, as amended).

2.14. Procedure for Roll Call for Board Members

- (1) The Members of the Board shall cast votes in district order on a rotating basis.
- (2) The Chairman of the Board of Supervisors shall cast the last vote.

2.15. Remote Participation in Board Meeting

As authorized by § 2.2-3708.1 of the Code of Virginia, 1950, as amended, the Board of Supervisors of Pittsylvania County, Virginia, shall allow the participation of members of the Board in a meeting through electronic communication means from a remote location that is not open to the public subject to complying with all parts of the following written policy:

1. On or before the day of a meeting, the Supervisor shall notify the Board Chairman that the Supervisor is unable to attend the meeting due to an emergency or a personal matter and the Supervisor shall identify with specificity the nature of the emergency or personal matter, or the Supervisor shall notify the Board Chairman that the Supervisor is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the Supervisor's physical attendance. The Board shall record the specific nature of the emergency, personal matter, or fact of temporary or permanent disability, and the remote location from which the absent Supervisor participated in its minutes.

2. If the absent Supervisor's remote participation is disapproved because such participation would violate the strict and uniform application of this written policy, such disapproval shall be recorded in the Board's minutes.

3. Such participation by the absent Supervisor shall be limited in each calendar year to two (2) meetings, or 25 percent (25%) of the meetings of the Board, whichever is fewer.

4. A quorum of the Board shall be physically assembled at the primary or central meeting location.

5. The Board shall make arrangements for the voice of the absent Supervisor to be heard by all persons in attendance at the primary or central meeting location.

Article III. County Administrator.

3.1. The Board may appoint a County Administrator who shall serve at the pleasure of the Board. Once appointed, the County Administrator shall be the Chief Administrative Officer of the County and shall perform his/her duties in accordance with the laws of the commonwealth and the policies of the County as established by the Board in regular or special session for that purpose. When the Board is not in session, the County Administrator shall receive guidance concerning policy from the Chairman, and in his absence, the Vice-Chairman.

3.2. The County Administrator shall be in complete charge of personnel of the County and shall, in accordance with established policy, hire and fire. Any action of the County Administrator concerning dismissal of personnel is subject to review by the Board and can be reversed by a two-thirds vote of the Board. Such review shall be limited to charges of discrimination and failure to follow personnel policies on the part of the Administrator in the conduct of dismissal.

3.3. The County Administrator shall serve as the purchasing agent for the County as defined by Chapter 26, Section 2, of the Pittsylvania County Code.

3.4. He shall have charge of the administration of the financial affairs of the County, and to that end, shall have authority and be required to:

(a) Cooperate with the Board of Supervisors in compiling estimates for the current expense and capital budgets.

(b) Supervise and control all encumbrances, expenditures, and disbursements to insure that budget appropriations are not exceeded; and keep the Board of Supervisors advised as to the financial needs of the County.

(c) Require at such intervals as he may deem expedient or as instructed by the Board of Supervisors, report of receipts from each of the departments, boards, commissions, agencies, and he may prescribe the times at, and the manner in which, money is received by them shall be paid to the County Treasurer or deposited subject to modifications as prescribed and set forth in the general laws of the Commonwealth of Virginia.

Examine all contracts, purchase orders, and other documents, which create financial obligations against the County, and approve the same only upon ascertaining that money has been appropriated and allotted therefore, subject, however, to the provision that the Board of Supervisors may in its discretion and judgment, amend, modify, and alter this requirement to meet a specific need or requirement of a particular piece of legislation approved by the Board of Supervisors.

ARTICLE IV. Standing Committees.

4.1. The Standing Committees of the Board shall be as follows:

(a) Finance/Insurance: To aid and advise in the preparation on the County Budget and make recommendations concerning Fiscal Policy.

(b) Personnel: To review policies and practices and make recommendations regarding the same.

(c) Property/Building: To view buildings and grounds and make recommendations regarding the same.

(d) Legislative Committee: The Legislative Committee, in collaboration with the County Attorney, shall review, propose changes, and maintain current revisions to the Bylaws, Rules of Order and Standards of Conduct of the Pittsylvania County Board of Supervisors; review, propose changes and maintain current revisions to the Pittsylvania County Board of Supervisors Policies and Procedures Manual; and review, propose changes, set public hearings for any proposed changes, and maintain current revisions to the Pittsylvania County Codes and Compliances.

4.2. Membership to the above-committees shall be appointed by the Board Chairman from the membership of the Board and may include citizen membership. Any appointment so made shall be for a specific term of office as determined by the Chairman.

4.3. The Board may, from time-to-time, direct that the Chairman appoint committees for a specific purpose with a limited duration.

4.4. The Chairman shall be authorized to temporarily participate, including voting, in any committee of the Board of Supervisors for the purpose of creating a quorum and/or taking action.

ARTICLE V. Certain Ordinances and Resolutions to Lie Over.

5.1. No ordinance or resolution imposing taxes or appropriating money from general fund balances, not included in the adopted budget, in excess of \$5,000, shall be passed until after ten (10) days from the introduction thereof. This shall not restrict the appropriation of State, Federal, or other funds not in the current General Fund balances.

ARTICLE VI. Recordation of Ordinances and Resolutions.

- 6.1. Every resolution upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the County Administrator.
- 6.2. Every resolution shall be authenticated and recorded in the same manner as in 7.1-above.
- 6.3. Every motion appropriating funds or adopting an ordinance shall be by roll call vote.
- 6.4. Every ordinance passed by the Board of Supervisors shall be incorporated into the Pittsylvania County Code.

ARTICLE VII. Standards of Conduct.

Preamble

The citizens and businesses of Pittsylvania County, Virginia, are entitled to have fair, ethical, and accountable local government, which has earned the public's full confidence for integrity. The effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial, and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Pittsylvania County Board of Supervisors has adopted this Standards of Conduct for members of the Board and of the County's boards, commissions, and committees, to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Pittsylvania County and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Pittsylvania County Board of Supervisors, boards, commissions, and committees.

2. Comply with the Law

Members shall comply with the laws of the nation, the Commonwealth of Virginia, and the County of Pittsylvania, Virginia, in the performance of their public duties. These laws include, but are not limited to: the United States and Virginia constitutions; the Code of the County of Pittsylvania, Virginia; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and County ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the Board of Supervisors, boards, commissions, and committees, the staff or public.

4. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the Board of Supervisors and boards, committees, and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Board of Supervisors by County staff.

5. Conduct of Public Meetings

Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Board of Supervisors or boards, committees, and commissions, which they may have received from sources outside of the public decision-making process.

8. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest and shall disclose any substantial organizational responsibility or personal or business relationship to the parties in any matter coming before them. This paragraph is not intended to unduly restrict members who have minor business or professional dealings with clients whose matters come before them. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

9. Gifts and Favors

A member should never accept for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

10. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the County. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

11. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as County staff time, equipment, supplies, or facilities, for private gain or personal purposes.

12. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of the Board shall not appear on behalf of the private interests of third parties before the Board of Supervisors or any board, committee, commission, or proceeding of the County, nor shall members of boards, committees, or commissions appear before their own bodies or before the Board of Supervisors on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

13. Advocacy

Members shall represent the official policies or positions of the Board of Supervisors, boards, commissions, or committees to the best of their ability when designated as delegates for this purpose. When representing their individual opinions and positions, members shall explicitly state they do not represent their body or Pittsylvania County, nor will they allow the inference that they do.

14. Policy Role of Members

The Board of Supervisors determines the policies of the County with the advice, information, and analysis provided by the public, boards, commissions, and committees, and County staff. The Board of Supervisors delegates authority for the administration of the County to the County Administrator. Members, therefore, shall not interfere with the administrative functions of the County or the professional duties of County staff, nor shall they impair the ability of staff to implement Board policy decisions. Inquiries to staff shall be made through the County Administrator or the appropriate department manager or director.

15. Independence of Board and Commissions

Because of the value of the independent advice of boards, committees, and commissions to the public decision-making process, members of the Board of Supervisors shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee, or commission proceedings.

16. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive workplace environment for County employees and for citizens and businesses dealing with the County. Members shall recognize their special role in dealings with County employees and in no way create the perception of inappropriate direction to staff.

17. Implementation

As an expression of the standards of conduct for members expected by the County, the Pittsylvania County Standards of Conduct is intended to be self-enforcing. Therefore, it becomes most effective when members are thoroughly familiar with and embrace its provisions. For this reason, ethical standards shall be included in the regular orientations for candidates for the Board of Supervisors, applicants to boards, committees, commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Pittsylvania County Standards of Conduct. In addition, the Board of Supervisors, boards, committees, and commissions, shall annually review the Standards of Conduct and the Board of Supervisors shall consider recommendations from boards, committees, and commissions to update it as necessary.

18. Compliance and Enforcement

The Pittsylvania County Standards of Conduct expresses standards of ethical conduct expected of members of the Pittsylvania County Board of Supervisors, boards, committees, and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees, and commissions and the Chairman of the Board of Supervisors have the additional responsibility to intervene when actions of members that appear to be in violation of the Standards of Conduct are brought to their attention.

A violation of this Standards of Conduct shall not be considered a basis for challenging the validity of a Board of Supervisors, board, committee, or commission's decision.

ARTICLE VIII. Amendments and Adoptions.

8.1. Amendments to these By-Laws, Rules of Procedure, and Standards of Conduct may be made at any meeting of the board by a majority vote of the Board present, after a notice of intent to amend has been given to each Board member not less than ten (10) days prior to such meeting and after a duly advertised and conducted public hearing on said amendment(s).

8.2. Adoption of the By-Laws and procedures shall be by simple majority vote of the Board and shall be in force and effect on the day after their passage.

PITTSYLVANIA COUNTY

Board of Supervisors

EXECUTIVE SUMMARY

<u>AGENDA TITLE:</u> Robert's Rules of Order	<u>AGENDA DATE:</u> 01-03-2017	<u>ITEM NUMBER:</u> 8(b)
<u>SUBJECT/PROPOSAL/REQUEST:</u> Adoption of Rules of Order	<u>ACTION:</u> Yes	<u>INFORMATION:</u>
<u>STAFF CONTACT(S):</u> Mr. Smitherman	<u>CONSENT AGENDA:</u> <u>ACTION:</u>	<u>INFORMATION:</u>
	<u>ATTACHMENTS:</u> No	
	<u>REVIEWED BY:</u> <i>GAB</i>	

BACKGROUND:

Each year, the Pittsylvania County Board of Supervisors must adopt the guidelines for the operation of a Board of Supervisors' meeting. In the past, the Board of Supervisors has always adopted the Robert's Rules of Order.

DISCUSSION:

The current edition of Robert's Rules of Order is (Robert's Rules of Order, Newly Revised 11th Edition, September 2011). The 11th Edition supersedes all previous editions and intends to automatically become a parliamentary authority for organizations who use Robert's Rules of Order. The newly revised book incorporates over 125 revisions done to the 2000 10th Edition.

RECOMMENDATION:

Staff recommends the Board of Supervisors approve Robert's Rules of Order, Newly Revised 11th Edition, as modified by the Board of Supervisors to meet the necessary requirements of the State Code of the Commonwealth of Virginia as the official Rules of Order for Pittsylvania County.

APPOINTMENTS BY CHAIR

TO BE ADDED

HEARING OF CITIZENS

CONSENT AGENDA

**Pittsylvania County Board of Supervisors
Monday, December 5, 2016
Regular Meeting**

VIRGINIA: The Regular Meeting of the Pittsylvania County Board of Supervisors was held on Monday, December 5, 2016 in the General District Courtroom of the Edwin R. Shields Addition in Chatham, Virginia. Jessie L. Barksdale, Chair, called the meeting to order at 7:00 p.m. The following members were present:

Jessie L. Barksdale	Banister District
Elton W. Blackstock	Staunton River District
Tim Barber	Tunstall District
Ronald S. Searce	Westover District
Jerry A. Hagerman	Callands-Gretna District
Robert W. Warren	Chatham-Blairs District
Joe B. Davis	Dan River District

Mr. David M. Smitherman, County Administrator, Mr. J. Vaden Hunt, County Attorney, Mr. Greg L. Sides, Assistant County Administrator for Planning and Development, Mr. Matt Rowe, Director of Economic Development, and Ms. Rebecca Flippen, Deputy Clerk were also present.

After a Moment of Silence, Chairman Barksdale led the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mr. Blackstock, seconded by Mr. Barber, to approve the agenda with the following addition to the Consent Agenda:

(e) End of Declaration of Emergency – Open Burning Ban in Pittsylvania County
and removal of the following from the Agenda:

Item 10 - Pittsylvania County Animal Shelter Update
Mr. Blackstock's was unanimously approved by the Board.

Hearing of the Citizens

No one signed up to speak.

Chairman Barksdale introduced the new County Administrator, David Smitherman, to those in attendance.

CONSENT AGENDA

- (a) Minutes: November 7, 2016 (Regular Meeting)
November 15, 2016 (Adjourned Meeting)
- (b) Bill List: November 2016 (Online)
- (c) Ratify Proclamation – 250th Anniversary of Pittsylvania County
- (d) Ratify Declaration of Emergency – Open Burning Ban in Pittsylvania County
- (addition) (e) End of Declaration of Emergency – Open Burning Ban in Pittsylvania County

Motion was made by Mr. Barber, seconded by Mr. Davis, to approve the Consent Agenda, which was unanimously approved by the Board.

November 17, 2016

**DECLARATION OF EMERGENCY
RESTRICTING THE OUTDOOR BURNING OF
WOODS, BRUSH, ETC.**

Whereas, Pittsylvania County has consulted with the Virginia Department of Forestry and does hereby find that:

Due to the continued dry weather conditions, the County of Pittsylvania is facing serious fire hazards.

Due to the serious fire hazards, a condition of extreme peril of life and property necessitates the Declaration of Emergency.

NOW, THEREFORE, I HEREBY PROCLAIM that an emergency now exists throughout said County; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said emergency it shall be unlawful for any person to set fire to, or procure another to set fire to any woods, brush, logs, leaves, grass, debris, or other flammable material within the boundaries of Pittsylvania County, Virginia, and shall remain in effect until further notice.

Effective:

Clarence Monday

Clarence Monday, Deputy Director of
Emergency Management

Presentations

Don Thomas, with Winggate Appraisal, updated the Board of Supervisors on the 2018 General Reassessment. Mr. Thomas said the market studies were completed as well as value calibrations. The Board of Assessors had completed their training and had begun reviews; and that clerical staff had been hired and were at work. Of the approximate 50,000 parcels in Pittsylvania County, approximately 30% (15,000) had been visited. Mr. Thomas concluded his update with noting the Reassessment Office was on schedule.

Jim Bebeau, Executive Director, and Dr. Julie Brown, with Danville-Pittsylvania Community Services (DPCS), presented the DPCS' 2016 annual report. Dr. Brown

Laurie Moran, Executive Director of the Danville-Pittsylvania County Chamber of Commerce, presented the Chamber's 2015/16 Business Services Report.

Unfinished Business

At the Board of Supervisors November 7, 2016 meeting, motion was made by Mr. Barber, seconded by Mr. Warren, for the reappropriation of \$42,446.40 as follows: \$172.10 to Human Resources-Training (100-4-012220-5540), \$101.00 to Accounting-Travel (100-4-012430-5500),

\$1.39 to Electoral Board-Office Supplies (100-4-013100-6001), \$.21 to Registrar-Office Supplies (100-4-013100-6001), \$100.00 to Clerk of Court-Copier Lease, \$.58 to Sheriff-Office Supplies (100-4-031200-6001), \$4,934.00 to Sheriff-Halloween Contributions (100-4-031200-5878), \$12.50 to Sheriff-Project Lifesaver (100-4-031200-5882), \$1,169.10 to Sheriff-Parts (100-4-031200-6030), \$524.70 to Sheriff-Labor (100-4-031200-6031), \$91.85 to Extradition (100-4-033100-5550), \$76.00 to Jail-Food Supplies (100-4-033100-6002), \$6.33 to Animal Control-Training (100-4-035100-5540), \$21.38 to Landfill-Telephone (100-4-042400-5230), \$3,947.94 to CSA-Pool Program (100-4-053500-7003), \$2,500.00 to Ag Economic Development-Legal (100-4-082500-3150), \$125.00 to Ag Development-Farmer's Market (100-4-082500-6014), \$174.69 to Economic Development-Travel (100-4-082510-5500), \$63.99 to Victim/Witness-Computer Supplies (250-4-021900-6021), \$600.00 to WIA-Other Operating Supplies (\$150.00 each to 251-4-353851-6014, 251-4-353853-6014, 251-4-353855-6014, 251-4-353856-6014), \$27,823.64 to WIA-Rent (251-4-353853-6014). This motion required a 10-Day Layover which required a 10-Day Layover that had now been met and the following Roll Call Vote was recorded: Mr. Barber-Yes; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scarce-Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale – Yes. Mr. Barber's motion was unanimously approved by the Board.

New Business

Motion was made by Mr. Barber, seconded by Mr. Davis, for the reappropriation of \$37,143.22 as follows: \$.44 to Human Resources-Training (100-4-012220-5540), \$11.99 to Electoral Board-Office Supplies (100-4-013100-6001), \$1.55 to Registrar-Office Supplies (100-4-013100-6001), \$100.00 to Clerk of Court-Copier Lease, \$225.00 to Sheriff-Undercover Account (100-4-031200-6024), \$230.00 to Sheriff-Halloween Contributions (100-4-031200-5878), \$51.28 to Sheriff-Fuel (100-4-031200-6008), \$2,691.61 to Sheriff-Parts (100-4-031200-6030), \$2,652.49 to Sheriff-Labor (100-4-031200-6031), \$50.53 to VFD-United Way Contribution (100-4-032200-5667), \$88.00 to Extradition (100-4-033100-5550), \$117.40 to Jail-Food Supplies (100-4-033100-6002), \$1.88 to Landfill-Telephone (100-4-042400-5230), \$13.71 to Library-Office Supplies (100-4-073100-6001), \$85.00 to Non-departmental-Awards & Certificates (100-4-091200-5840), \$30,822.34 to WIA-Rent (251-4-353853-6014). This motion required a 10-Day Layover.

Motion was made by Mr. Warren, seconded by Mr. Barber, to amend the Jail budget and appropriate \$629.20 to line item 100-4-033100-5899 (SCAAP Administration Fee) and the following Roll Call Vote was recorded: Mr. Barber-Yes; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scarce-Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale – Yes. Mr. Warren's motion was unanimously approved by the Board.

The Fire Marshal's Office has been given a grant through FM Global, one of the world's largest commercial property insurers, for the purpose of assisting fire investigators to more efficiently investigate and determine the cause of fire in Pittsylvania County. This grant totaled \$1,953.00 and did not require a local match but did need to be appropriated to the grants fund for expenditure. Motion was made by Mr. Blackstock, seconded by Mr. Barber, to appropriate \$1,953.00 to the FM-Global-Fire Prevention Grant (250-4-032414-8102). The following Roll Call Vote was recorded: Mr. Barber-Yes; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scarce-Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale – Yes. Mr. Blackstock's motion was unanimously approved by the Board.

Staff presented information that stated Change Order #5, in the amount of \$14,586.55, was due to a change made by the State Veterinarian's Office for public animal shelters. This regulation

passed after the animal shelter had been awarded to Dominion Seven. The basis for change and regulation is to ensure preventative measures for new or existing shelters to prevent cross contamination of animals in isolation from the general population of the pound. The regulation requires that all cleaning materials, trash, or equipment removed from isolation areas are not to be transported throughout the rest of the shelter. This made it necessary for the County to add two exit doors from isolation areas and extend plumbing, electrical, and equipment to service the two areas in the County shelter. It would be impractical to construct a new facility that would be in violation the day it was opened. Staff has reviewed the overall budget and anticipates savings within 3 categories that allowances were figured into the current contract. Therefore, part or all of this additional cost may be covered with the existing appropriation. If an adjustment needs to be made at project closeout, staff will present it to the Board. Motion was made by Mr. Davis, seconded by Mr. Blackstock, to approve Change Order #5 in the amount of \$14,586.55 and authorize the County Administrator to sign all necessary documentation.

Motion was made by Mr. Blackstock, seconded by Mr. Davis, to approve the Mission Statement and Strategic Priorities for Pittsylvania County that the Board developed during the October 20, 2016 Strategic Planning Session facilitated by Dr. Martha Walker, which was unanimously approved by the Board.

Mission Statement

Pittsylvania County, in partnership and communication with residents, businesses, and schools is dedicated to:

- ❖ *Providing a vibrant quality of life through essential infrastructure, public safety, recreation and education.*
- ❖ *Welcoming smart, sustainable economic growth within the framework of fiscally responsible government.*
- ❖ *Providing a safe, healthy and welcoming atmosphere where people choose to live and work.*
- ❖ *Positioning Pittsylvania County for the future through strategic, targeted workforce development.*
- ❖ *Building an inclusive County that welcomes change, diversity and opportunities for all while preserving its great history.*

Motion was made by Mr. Blackstock, seconded by Mr. Barber, to approved the West Piedmont District Comprehensive Economic Development Strategy (CEDS) List 2017-2018 as presented by Mr. Greg Sides, Assistant County Administrator for Planning & Development, and authorized the County Administrator to send the list and required EDA submittal letter to the West Piedmont Planning District Commission to be incorporated into their regional 2017/18 CEDS update, which was unanimously approved by the Board.

Board Comments

All members of the Board welcomed Mr. Smitherman and said they looked forward to working with him.

Comments from Legal Counsel

Mr. Hunt welcomed Mr. Smitherman and said he would help him in any way possible.

Comments from County Administrator

Mr. Smitherman thanked everyone and stated he looked forward to working with the Board and County Staff. Mr. Smitherman also thanked the Board of allowing Mr. Monday to stay on during the transition phase between County Administrators and learned a great deal of invaluable information from Mr. Monday which helped to speed up the learning process.

Closed Session

Motion was made by Mr. Barber, seconded by Mr. Blackstock, to enter into Closed Session for discussions of the following:

(a) Discussion of the disposition of publicly held property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body

Authority: 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended
Subject: Project Turtle
Purpose: Discussion of the disposition of publicly held property

(b) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community

Authority: 2.2-3711(A)(5) of the Code of Virginia, 1950, as amended
Subject: Project Motion
Purpose: Discussion of Memorandum of Understanding

The following Roll Call Vote was recorded: Mr. Barber-Yes; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scearce-Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale-Yes. Mr. Barber's motion was unanimously approved by the Board and they entered into Closed Session at 8:10 pm.

RETURN TO OPEN SESSION

Motion was made by Mr. Blackstock, seconded by Mr. Barber, to return to Open Session.

**PITTSYLVANIA COUNTY BOARD OF SUPERVISORS
CERTIFY CLOSED MEETING**

BE IT RESOLVED that at the Meeting of the Pittsylvania County Board of Supervisors on December 5, 2016, the Board hereby certifies by a recorded vote that to the best of each board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting. If any member believes that there was a departure from the requirements of the Code, he shall so state prior to the vote indicating the substance of the departure. The statement shall be recorded in the minutes of the Board.

	<u>Vote</u>
Tim R. Barber	Yes
Jerry A. Hagerman	Yes
Elton W. Blackstock	Yes
Joe B. Davis	Yes
Ronald S. Scarce	Yes
Robert W. Warren	Yes
Jessie L. Barksdale	Yes

Upon a unanimous vote of the Board, they returned to Open Session at 8:58 pm.

Motion was made by Mr. Blackstock, seconded by Mr. Davis, to approve a Memorandum of Understanding in regards to Project Motion and authorize Matt Rowe to sign all necessary documentation, which was unanimously approved by the Board.

ADJOURNMENT

Motion was made by Mr. Barber, seconded by Mr. Scarce, to adjourn the meeting, which was unanimously approved by the Board.

The meeting adjourned at 9:00pm.

**Pittsylvania County Board of Supervisors
Tuesday, December 13, 2016
Adjourned Meeting**

VIRGINIA: The Adjourned Meeting of the Pittsylvania County Board of Supervisors was held on Tuesday, December 13, 2016 in the General District Courtroom of the Edwin R. Shields Addition in Chatham, Virginia. Jessie L. Barksdale, Chair, called the meeting to order at 7:00 p.m. The following members were present:

Jessie L. Barksdale	Banister District
Tim Barber	Tunstall District
Ronald S. Scearce	Westover District
Jerry A. Hagerman	Callands-Gretna District
Robert W. Warren	Chatham-Blairs District
Joe B. Davis	Dan River District

Mr. Elton Blackstock, representative for the Staunton River District, was absent from the meeting.

Mr. David M. Smitherman, County Administrator, Mr. J. Vaden Hunt, County Attorney, Mr. Greg L. Sides, Assistant County Administrator for Planning and Development, Mr. Otis S. Hawker, Assistant County Administrator for Operations, Mr. Odie H. Shelton, Jr., Director of Code Compliance, Mr. Jim Davis, Director of Emergency Management, Mr. Mark Narron, Animal Shelter Manager, and Ms. Rebecca Flippen, Deputy Clerk were also present.

After a Moment of Silence, Chairman Barksdale led the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mr. Barber, seconded by Mr. Hagerman, to approve the agenda which was unanimously approved by the Board with the exception of Mr. Blackstock who was absent.

Hearing of the Citizens

No one signed up to speak.

CONSENT AGENDA

- (a) Support of Grant Application – FEMA Region III Hazard Mitigation Assistance Grant

Motion was made by Mr. Barber, seconded by Mr. Hagerman, to approve the Consent Agenda, which was unanimously approved by the Board with the exception of Mr. Blackstock who was absent.

Public Hearings

Rezoning Cases

Case 1: Diana Reynolds Black & Others – Callands/Gretna Election District R-16-031

A-1, Agricultural District to R-1, Residential Suburban Subdivision District

Chairman Barksdale opened the public hearing at 7:05pm. Mr. Shelton explained that Diana Reynolds Black and Others had petitioned to rezone 1.325 acre, located off State Road

817/Turkeycock Mountain Road in the Callands-Gretna Election District from A-1, Agricultural District to R-1, Residential Suburban Subdivision District. Once the property is rezoned to R-1, all uses listed under Section 35-222 are a permitted use. The Planning Commission, with no opposition, recommended granting the petitioners' request. Margaret Mura was there to represent the petition. No one signed up to speak and Chairman Barksdale closed the hearing at 7:06pm. Motion was made by Mr. Hagerman, seconded by Mr. Barber, to approve the petitioners' request to rezone Case R-16-031 from A-1 to R-1 and the following Roll Call Vote was recorded: Mr. Barber-Yes; Mr. Hagerman-Yes; Mr. Blackstock-Absent; Mr. Scearce-Yes; Mr. Davis- Yes; Mr. Warren-Yes; and Mr. Barkdale-Yes. Mr. Hagerman's motion was unanimously approved by the Board with the exception of Mr. Blackstock, who was absent.

Case 2: Olde Dominion Agricultural Foundation, Inc. – Banister Election District R-16-032

R-1, Residential Suburban Subdivision District to M-2, Industrial District, Heavy Industry

Chairman Barksdale opened the public hearing at 7:08pm. Mr. Shelton explained that the Olde Dominion Agricultural Foundation, Inc., had petitioned to rezone 0.52 acre, located on U.S. Highway 29 in the Banister Election District from R-1, Residential Suburban Subdivision District to M-2, Industrial District, Heavy Industry. Once the property is rezoned to M-2, all uses listed under Section 35-402 are a permitted use. The Planning Commission, with opposition, recommended granting the petitioner's request. Gretchen Clark, Agent for Olde Dominion Agricultural Foundation, Inc., was there to represent the petition. No one signed up to speak and Chairman Barksdale closed the hearing at 7:10pm. Motion was made by Mr. Barber, seconded by Mr. Davis, to approve the petitioner's request to rezone Case R-16-032 from R-1 to M-2 and the following Roll Call Vote was recorded: Mr. Barber-Yes; Mr. Hagerman-Yes; Mr. Blackstock-Absent; Mr. Scearce-Yes; Mr. Davis- Yes; Mr. Warren-Yes; and Mr. Barkdale-Yes. Mr. Barber's motion was unanimously approved by the Board with the exception of Mr. Blackstock, who was absent.

This concluded the public hearings.

New Business

Mr. Otis Hawker, Assistant County Administrator for Operations, gave a brief update on the construction of the new Animal Shelter. Mr. Hawker stated that construction was slightly ahead of schedule and it was possible the new shelter may be open as early as May or June of 2017. Mr. Hawker stated Rachel Gatewood of the River District Group had been working with the Animal Shelter Manager, Mark Narron, on fund raising possibilities, and distributed information to the Board concerning ways citizens could purchase pavers and/or bricks that could be engraved. Mr. Hawker told the Board that all donations for the shelter went to the Community Foundation of the Dan River Region, who were contracted by the County to serve as the fiscal agent of the donated funds and that the County applies to the Foundation for funds to be dispersed. The Board stated they would like to see more involvement by the County in fundraising for the shelter as well as looking for any grants the County might be eligible to receive to help offset the cost.

Motion was made by Mr. Barber, seconded by Mr. Warren, to award Moore's Electrical & Mechanical Construction, Inc. a contract to furnish, deliver, and install a water cooled chiller for the Pittsylvania County Courthouse in the amount of \$130,500, which was unanimously approved by the Board with the exception of Mr. Blackstock who was absent.

Motion was made by Mr. Warren, seconded by Mr. Davis, for the appropriation of \$146,100, from Unappropriated Surplus, for the base bid of the Courthouse Chiller Project (\$130,500) plus \$15,600 for a 5-year warranty. Mr. Warren's motion required a 10-Day Layover.

Mr. Greg Sides, Assistant County Administrator for Planning & Development, explained the Intertape Polymer Group, Inc. (IPG) is expanding its Pittsylvania County facility in Ringgold and will need to temporarily close its private access road located between the Ringgold Industrial Parkway and Eagle Springs Road, creating a burden on the operation of the company due to the inability of large trucks to access portions of the complex. IPG has contacted the County about possibly using a piece of property owned by Pittsylvania County (GPIN 2338-50-3839, approximately 10.72 acres) on Eagle Springs Road for a temporary truck turn around area. Only a small portion of the property would be needed by IPG for a temporary easement. Because this is public property, said Mr. Sides, a public hearing would be required before taking any action relating to use of the property. Mr. Sides said that prior to the public hearing, the County Attorney would need to draft an agreement stipulating the temporary use of the property along with addressing stabilization and liability issues. Motion was made by Mr. Davis, seconded by Mr. Warren, to authorize staff to advertise the necessary public hearing to be held at the adjourned meeting in January 2017, which was unanimously approved by the Board with the exception of Mr. Blackstock who was absent.

Motion was made by Mr. Davis, seconded by Mr. Warren, to send submitted recommendations from the Planning Commission concerning a proposed amendment to the Pittsylvania County Zoning Ordinance for Solar Energy Facilities to the Legislative Committee for the committee's review and recommendations, which was unanimously approved by the Board with the exception of Mr. Blackstock who was absent.

Motion was made by Mr. Warren, seconded by Mr. Davis, to approve a Virginia Business Ready Sites Program Site Characterization Grant Performance Agreement for Southern Virginia Multimodal Park and accept the \$5,000.00 grant and authorize the County Administrator to sign the Performance Agreement, which was unanimously approved by the Board.

**VIRGINIA BUSINESS READY SITES PROGRAM
SITE CHARACTERIZATION GRANT
PERFORMANCE AGREEMENT**

This **PERFORMANCE AGREEMENT** made and entered this 1st day of November, 2016, by and between the **VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP AUTHORITY** ("VEDP"), a political subdivision of the Commonwealth of Virginia (the "Commonwealth") and the **COUNTY OF PITTSYLVANIA, VIRGINIA** (the "Grantee"), a political subdivision of the Commonwealth.

WITNESSETH:

WHEREAS, the Virginia Business Ready Sites Program ("VBRSP") was established pursuant to § 2.2-2238 C. of the Code of Virginia of 1950, as amended, to identify and assess the readiness of potential industrial or commercial sites in the Commonwealth for marketing for economic development purposes;

WHEREAS, the initial step under the VBRSP for a potential industrial or commercial site is (i) an assessment to quantify the level of existing development at the site and the additional development required to bring the site to a level that will enable such site to be marketed for economic development purposes, and (ii) a designation of a tier level of readiness to the site (“Site Characterization”);

WHEREAS, the Grantee has submitted an application for a grant to assist with the costs associated with Site Characterization at the Southern Virginia Multi-Modal Park, also known as the Burlington Hurt Industrial Site, located in Hurt, Virginia (the “Site”) and has been awarded a grant in the amount of \$5,000 (the “Site Characterization Grant”);

WHEREAS, VEDP and the Grantee desire to set forth their understanding and agreement as to the payout of the Site Characterization Grant, the use of the Site Characterization Grant proceeds, the obligations of the Grantee, and the repayment by the Grantee of all or part of the Grant under certain circumstances; and

WHEREAS, Site Characterization constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for the Site Characterization Grant:

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows.

Section 1. Disbursement of Grant; Use of Proceeds; Responsibility for Costs

(a) *Disbursement:* The Site Characterization Grant will be paid to the Grantee promptly after the execution and delivery of this Agreement.

(b) *Use of Proceeds:* The Grantee will use the Site Characterization Grant proceeds to pay or reimburse itself for costs associated with Site Characterization at the Site. The proceeds of the Site Characterization Grant must be expended within 30 days of the expected completion date set forth in Section 2(a) below.

(c) *Responsibility for Costs:* The Grantee is responsible for one-to-one cash match of the amount of the Site Characterization Grant (“Local Match”). This Local Match may be made from public and/or private sources. The Grantee is responsible for any remaining costs of the Site Characterization.

Section 2. Performance; Reporting

(a) *Performance:* The Grantee is expected to cause the completion of Site Characterization at the Site on or before February 1, 2017 (the “Completion Date”). If VEDP, in consultation with the VBRSP Review Committee, deems that good faith and reasonable efforts have been made by the Grantee to have Site Characterization completed, the Completion Date may be extended by up to 60 days. If it is determined that the Grantee is unable or unwilling to cause Site Characterization to be completed by the Completion Date, then the entire Site Characterization Grant must be repaid to VEDP in accordance with Section 3(d).

(b) **Reporting:** Within 30 days of the completion of Site Characterization, but no later than 30 days after the Completion Date, as such date may be extended, the Grantee must submit to VEDP a report summarizing the results of Site Characterization, indicating that the Site Characterization Grant proceeds have been expended and demonstrating that the balance of the costs associated with Site Characterization at the Site, including the Local Match, has been paid (the “Grant Report”).

Section 3. Reduction of Grant Amount; Repayment Obligation.

(a) *If Costs are Less than Anticipated:* If the Grant Report indicates that the costs of Site Characterization were less than anticipated, such that the amount of the Site Characterization Grant proceeds exceeds the Local Match made by the Grantee or that the Grantee will not need all of the Site Characterization Grant proceeds disbursed to the Grantee, the Grantee shall repay to VEDP an amount equal to the excess amount or the amount of the proceeds no longer required.

(b) *If Grant Proceeds are Misspent:* If the Site Characterization Report indicates, or any evidence gathered by VEDP reveals, that any Site Characterization Grant proceeds have been expended on anything other than the costs associated with Site Characterization at the Site, the Grantee shall repay to VEDP the amount of the proceeds so misspent.

(c) *Failure to Complete by Completion Date:* As noted in Section 2(a), if it is determined that the Grantee is unable or unwilling to cause Site Characterization to be completed by the Completion Date, the Grantee shall repay to VEDP the entire Site Characterization Grant.

(d) *Repayment Date; Cure Period:* VEDP will provide written notification to the Grantee if any repayment is due from the Grantee to VEDP under this Agreement. Within 60 days of receiving such notification, the Grantee will make the repayment to VEDP.

Section 4. Notices.

Formal notices and communications among the Parties shall be given either by (i) personal service, (ii) delivery by a reputable document delivery service that provides a receipt showing date and time of delivery, (iii) mailing utilizing a certified or first class mail postage prepaid service of the United States Postal Service that provides a receipt showing date and time of delivery or (iv) delivery by facsimile or electronic mail (email) with transmittal confirmation and confirmation of delivery, addressed as noted below. Notices and communications personally delivered or delivered by document delivery service shall be deemed effective upon receipt. Notices and communications mailed shall be deemed effective on the second business day following deposit in the United States mail. Notices and communications delivered by facsimile or email shall be deemed effective the next business day, not less than 24 hours, following the date of transmittal and confirmation of delivery to the intended recipient. Such written notices and communications shall be addressed to:

if to the Grantee, to:

Matthew D. Rowe
Director of Economic Development

County of Pittsylvania, Virginia
1 Center Street
Chatman, Virginia 24531
Email: Matthew.Rowe@pittgov.org

if to VEDP, to:

with a copy to:

Virginia Economic Development Partnership
901 East Cary Street, Suite 900
Post Office Box 798 (zip: 23218-0798)
Richmond, Virginia 23219
Facsimile: 804.545.5611
Email: dgundersen@yesvirginia.org
Attention: Interim President & CEO and COO

Virginia Economic Development Partnership
901 East Cary Street, Suite 900
Post Office Box 798 (zip: 23218-0798)
Richmond, Virginia 23219
Facsimile: 804.545.5617
Email: smcninch@yesvirginia.org
Attention: General Counsel

Section 5. Miscellaneous.

(a) *Entire Agreement; Amendments:* This Agreement constitutes the entire agreement between the parties hereto as to the Site Characterization Grant, and may not be amended or modified, except in writing, signed by each of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Grantee may not assign its rights and obligations under this Agreement without the prior written consent of VEDP.

(b) *Governing Law; Venue:* This Agreement is made, and is intended to be performed, in the Commonwealth and shall be construed and enforced by the laws of the Commonwealth. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the Circuit Court of the City of Richmond, and such litigation shall be brought only in such court. In the event this Agreement is subject to litigation, each party shall be responsible for its own attorney's fees.

(c) *Counterparts:* This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.

(d) *Severability:* If any provision of this Agreement is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

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IN WITNESS WHEREOF, the parties hereto have executed this Performance Agreement as of the date first written above.

**VIRGINIA ECONOMIC DEVELOPMENT
PARTNERSHIP AUTHORITY**

By _____
Name: Daniel C. Gundersen
Title: Interim President & CEO and COO
Date: _____, 2016

COUNTY OF PITTSYLVANIA, VIRGINIA

By _____
Name: _____
Title: _____
Date: _____, 2016

Motion was made by Mr. Barber, seconded by Mr. Warren, to approve and accept the \$1,400.00 Virginia Business Ready Sites Program Characterization Grant Performance Agreement for the Berry Hill Industrial Park and authorize the County Administrator to sign the agreement, which was unanimously approved by the Board with the exception of Mr. Blackstock, who was absent.

**VIRGINIA BUSINESS READY SITES PROGRAM
SITE CHARACTERIZATION GRANT
PERFORMANCE AGREEMENT**

This **PERFORMANCE AGREEMENT** made and entered this 1st day of November, 2016, by and between the **VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP AUTHORITY** (“VEDP”), a political subdivision of the Commonwealth of Virginia (the “Commonwealth”) and the **DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY** (the “RIFA”), a political subdivision of the Commonwealth, the **COUNTY OF PITTSYLVANIA, VIRGINIA** (the “County”), a political subdivision of the Commonwealth, and the **CITY OF DANVILLE, VIRGINIA** (the “City”), a political subdivision of the Commonwealth (RIFA, the County and the City together, jointly and severally, the “Grantee”).

WITNESSETH:

WHEREAS, the Virginia Business Ready Sites Program (“VBRSP”) was established pursuant to § 2.2-2238 C. of the Code of Virginia of 1950, as amended, to identify and assess the readiness of potential industrial or commercial sites in the Commonwealth for marketing for economic development purposes;

WHEREAS, the initial step under the VBRSP for a potential industrial or commercial site is (i) an assessment to quantify the level of existing development at the site and the additional

development required to bring the site to a level that will enable such site to be marketed for economic development purposes, and (ii) a designation of a tier level of readiness to the site (collectively, "Site Characterization");

WHEREAS, the Grantee has submitted an application for a grant to assist with the costs associated with Site Characterization at the Berry Hill Industrial Park, which is owned by the RIFA and located in the County (the "Site") and has been awarded a grant in the amount of \$1,400 (the "Site Characterization Grant");

WHEREAS, VEDP and the Grantee desire to set forth their understanding and agreement as to the payout of the Site Characterization Grant, the use of the Site Characterization Grant proceeds, the obligations of the Grantee, and the repayment by the Grantee of all or part of the Grant under certain circumstances; and

WHEREAS, Site Characterization constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for the Site Characterization Grant:

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows:

Section 1. Disbursement of Grant; Use of Proceeds; Responsibility for Costs

(a) *Disbursement:* Disbursement of the Site Characterization Grant will be made promptly after the execution and delivery of this Agreement. For purposes of administration, the Site Characterization Grant will be disbursed to the County for the benefit of the Grantee.

(b) *Use of Proceeds:* The Grantee will use the Site Characterization Grant proceeds to pay or reimburse itself for costs associated with Site Characterization at the Site. The proceeds of the Site Characterization Grant must be expended within 30 days of the expected completion date set forth in Section 2(a) below.

(c) *Responsibility for Costs:* The Grantee is responsible for one-to-one cash match of the amount of the Site Characterization Grant ("Local Match"). This Local Match may be made from public and/or private sources. The Grantee is responsible for any remaining costs of the Site Characterization.

Section 2. Performance; Reporting

(a) *Performance:* The Grantee is expected to cause the completion of Site Characterization at the Site on or before February 1, 2017 (the "Completion Date"). If VEDP, in consultation with the VBRSP Review Committee, deems that good faith and reasonable efforts have been made by the Grantee to have Site Characterization completed, the Completion Date may be extended by up to 60 days. If it is determined otherwise that the Grantee is unable or unwilling to cause Site Characterization to be completed by the Completion Date, then the entire Site Characterization Grant must be repaid to VEDP in accordance with Section 3(c) below. Notwithstanding anything herein to the contrary, the Completion Date shall be extended as set forth herein if the Site Characterization is not completed by the original Completion Date, due to causes

beyond the Grantee's control, including labor disputes, civil commotion, war, fires, floods, inclement weather, governmental regulations or controls, casualty, government authority, strikes, or acts of God.

(b) *Reporting:* Within 30 days of the completion of Site Characterization, but no later than 30 days after the Completion Date, as the same may be extended, the Grantee must submit to VEDP a report summarizing the results of Site Characterization, indicating that the Site Characterization Grant proceeds have been expended and demonstrating that the balance of the costs associated with Site Characterization at the Site, including the Local Match, has been paid (the "Grant Report").

Section 3. Reduction of Grant Amount; Repayment Obligation.

(a) *If Costs are Less than Anticipated:* If the Grant Report indicates that the costs of Site Characterization were less than anticipated, such that the amount of the Site Characterization Grant proceeds exceeds the Local Match made by the Grantee or that the Grantee will not need all of the Site Characterization Grant proceeds disbursed to the Grantee, the Grantee shall repay to VEDP an amount equal to the excess amount or the amount of the proceeds no longer required.

(b) *Failure to Complete by Completion Date:* As noted in Section 2(a) above, if it is determined that the Grantee is unable or unwilling to cause Site Characterization to be completed by the Completion Date, the Grantee shall repay to VEDP the entire Site Characterization Grant.

(c) *Repayment Date; Cure Period:* VEDP will provide written notification to the Grantee if any repayment is due from the Grantee to VEDP under this Agreement. Within 60 days of receiving such notification, the Grantee will make the repayment to VEDP.

Section 4. Notices.

Formal notices and communications among the Parties shall be given either by (i) personal service, (ii) delivery by a reputable document delivery service that provides a receipt showing date and time of delivery, (iii) mailing utilizing a certified or first class mail postage prepaid service of the United States Postal Service that provides a receipt showing date and time of delivery or (iv) delivery by facsimile or electronic mail (email) with transmittal confirmation and confirmation of delivery, addressed as noted below. Notices and communications personally delivered or delivered by document delivery service shall be deemed effective upon receipt. Notices and communications mailed shall be deemed effective on the second business day following deposit in the United States mail. Notices and communications delivered by facsimile or email shall be deemed effective the next business day, not less than 24 hours, following the date of transmittal and confirmation of delivery to the intended recipient. Such written notices and communications shall be addressed to:

if to the Grantee, to:

Matthew D. Rowe
Director of Economic Development
County of Pittsylvania, Virginia
1 Center Street

Telly D. Tucker, CEcD
Director of Economic Development
City of Danville, Virginia
427 Patton Street

Adjourned Meeting
December 13, 2016

Chatman, Virginia 24531
Email: Matthew.Rowe@pittgov.org

Danville, Virginia 24541
E-mail: telly.tucker@danvilleva.gov

Danville-Pittsylvania Regional Industrial Facility
Authority
Attention: Chairman
427 Patton Street
Danville, Virginia 24541

if to VEDP, to:

with a copy to:

Virginia Economic Development Partnership
901 East Cary Street, Suite 900
Post Office Box 798 (zip: 23218-0798)
Richmond, Virginia 23219
Facsimile: 804.545.5611
Email: dgundersen@yesvirginia.org
Attention: Interim President & CEO and COO

Virginia Economic Development Partnership
901 East Cary Street, Suite 900
Post Office Box 798 (zip: 23218-0798)
Richmond, Virginia 23219
Facsimile: 804.545.5617
Email: smcninch@yesvirginia.org
Attention: General Counsel

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(b) *Governing Law; Venue:* This Agreement is made, and is intended to be performed, in the Commonwealth and shall be construed and enforced by the laws of the Commonwealth. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the Circuit Court of the City of Richmond, and such litigation shall be brought only in such court. In the event this Agreement is subject to litigation, each party shall be responsible for its own attorney's fees.

(c) *Counterparts:* This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.

(d) *Severability:* If any provision of this Agreement is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

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IN WITNESS WHEREOF, the parties hereto have executed this Performance Agreement as of the date first written above.

**VIRGINIA ECONOMIC DEVELOPMENT
PARTNERSHIP AUTHORITY**

By _____
Name: Daniel C. Gundersen
Title: Interim President & CEO and COO
Date: _____, 2016

**DANVILLE-PITTSYLVANIA REGIONAL
INDUSTRIAL FACILITY AUTHORITY**

By _____
Name: _____
Title: _____
Date: _____, 2016

COUNTY OF PITTSYLVANIA, VIRGINIA

By _____
Name: _____
Title: _____
Date: _____, 2016

CITY OF DANVILLE, VIRGINIA

By _____
Name: _____
Title: _____
Date: _____, 2016

Motion was made by Mr. Barber, seconded by Mr. warren, to authorize the County Attorney to draft an amendment to the current contract with Regional One Emergency Medical Services (ROEMS) that provides backup EMS transport service to the County's Volunteer EMS agencies which would increase the annual amount of payment for ROEMS' service to \$98,000, for the remainder of current Fiscal Year, ending June 30, 2017, with monthly payments being \$8,166.66, and to include an option within the agreement allowing the County to expend said contract for one (1) additional year, ending June 30, 2018 with an increase not to exceed 8%. Mr. Hagerman requested information from Mr. Jim Davis, Director of Emergency Management, on how many calls had ROEMS responded to for the last 3 years; where was the ROEMS vehicle that was supposed to be stationed in Gretna; a copy of the current ROEMS contract; and who are the members on the Emergency Medical Advisory Committee (EMAC). Mr. Barber's motion was unanimously approved by the Board with the exception of Mr. Blackstock, who was absent.

Board Announcements

All of the Board members wished everyone a safe and happy holiday season, thanked the students from Tunstall High School in attendance, and thanked the media services for their coverage of the Board meetings.

ADJOURNMENT

Motion was made by Mr. Barber, seconded by Mr. Warren to adjourn the meeting, which was unanimously approved by the Board with the exception of Mr. Blackstock who was absent.

The meeting adjourned at 8:30pm.

NEW BUSINESS

**PITTSYLVANIA COUNTY
BOARD OF SUPERVISORS**

EXECUTIVE SUMMARY

<u>AGENDA TITLE:</u> VA COIA Forms Discretionary Filing Resolution	<u>AGENDA DATE:</u> 01-03-2017	<u>ITEM NUMBER:</u> 25
<u>REQUEST:</u> Resolution Adoption	<u>ACTION:</u> Yes	
<u>STAFF CONTACTS:</u> Mr. Smitherman; Mr. Hunt; Mrs. McCluster	<u>ATTACHMENT:</u> (1) Resolution 2017-01-01	
	<u>REVIEWED BY:</u> <i>GMS</i>	

BACKGROUND/DISCUSSION:

The Virginia Conflict of Interest Act ("VA COIA") legally requires certain local employees, elected officials, committee members, board members, and appointees to complete and submit at least some of the following VA COIA forms: (1) Disclosure of Real Estate Holdings ("DOREH"); (2) Statement of Economic Interests ("SOEI"); and (3) Financial Disclosure Statement ("FDS"). VA COIA also grants the Pittsylvania County Board of Supervisors ("BOS") discretion to designate, via Ordinance or Resolution, certain additional individuals to file at least some of the above-referenced VA COIA forms. Attached please find Resolution 2017-01-0 designating said discretionary VA COIA form filers.

RECOMMENDATION:

For the BOS' consideration. Staff recommends Resolution adoption.

PITTSYLVANIA COUNTY BOARD OF SUPERVISORS RESOLUTION 2017-01-01

VA COIA FORMS DISCRETIONARY FILING RESOLUTION

WHEREAS, the Virginia Conflict of Interest Act ("VA COIA") legally requires certain local employees, elected officials, committee members, board members, and appointees to complete and submit at least some of the following VA COIA forms: (1) Disclosure of Real Estate Holdings ("DOREH"); (2) Statement of Economic Interests ("SOEI"); and (3) Financial Disclosure Statement ("FDS"); and

WHEREAS, VA COIA also grants the Pittsylvania County Board of Supervisors ("PC BOS") discretion to designate, via Ordinance or Resolution, certain additional individuals to file at least some of the above-referenced VA COIA forms.

NOW THEREFORE, BE IT RESOLVED BY THE PC BOS that it does hereby exercise its legal discretion and designate that the following additional individuals are required to complete and submit the following VA COIA form(s):

- DOREH: County Attorney, as an "executive officer" under Virginia Code § 2.2-3115(G); and
- SOEI: County Attorney, all County Department Heads, Assistant County Administrators, and Service Authority Director, as "persons holding positions of trust" under Virginia Code § 2.2-3115.

Adopted this 4th day of January, 2017.

PC BOS Chairman

ATTEST:

David M. Smitherman, PC BOS Clerk

APPROVED AS TO FORM:

J. Vaden Hunt, Esq.
Pittsylvania County Attorney

		<u>Vote</u>
	Jessie L. Barksdale	_____
	Elton W. Blackstock	_____
	Joe B. Davis	_____
	Ronald S. Searce	_____
	Robert W. Warren	_____
	Jerry A. Hagerman	_____
	Tim R. Barber	_____
Ayes	_____	Nays _____ Abstentions _____

**PITTSYLVANIA COUNTY
Board of Supervisors**

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> CPMT Attendance Report CPMT Member Appointments</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> CPMT Attendance Report CPMT Member Appointments</p> <p><u>STAFF CONTACT(S):</u> Mr. Smitherman; Ms. Boswell</p>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><u>AGENDA DATE:</u> 01/03/2017</td> <td style="width: 50%;"><u>ITEM NUMBER:</u> 26</td> </tr> <tr> <td><u>ACTION:</u></td> <td><u>INFORMATION:</u></td> </tr> <tr> <td><u>CONSENT AGENDA:</u></td> <td></td> </tr> <tr> <td><u>ACTION:</u></td> <td><u>INFORMATION:</u></td> </tr> <tr> <td colspan="2"><u>ATTACHMENTS:</u> CPMT Attendance Log</td> </tr> <tr> <td colspan="2"><u>REVIEWED BY:</u> </td> </tr> </table>	<u>AGENDA DATE:</u> 01/03/2017	<u>ITEM NUMBER:</u> 26	<u>ACTION:</u>	<u>INFORMATION:</u>	<u>CONSENT AGENDA:</u>		<u>ACTION:</u>	<u>INFORMATION:</u>	<u>ATTACHMENTS:</u> CPMT Attendance Log		<u>REVIEWED BY:</u> 	
<u>AGENDA DATE:</u> 01/03/2017	<u>ITEM NUMBER:</u> 26												
<u>ACTION:</u>	<u>INFORMATION:</u>												
<u>CONSENT AGENDA:</u>													
<u>ACTION:</u>	<u>INFORMATION:</u>												
<u>ATTACHMENTS:</u> CPMT Attendance Log													
<u>REVIEWED BY:</u> 													

BACKGROUND:

Resolution 2014-10-02: "CPMT members shall attend 75% of regularly scheduled meetings unless mitigating circumstances are approved by the Pittsylvania County Board of Supervisors."

Resolution 2014-03-01 was adopted by the Pittsylvania County Board of Supervisors on March 3, 2014. Pittsylvania County Board of Supervisors agreed to appoint CPMT members for fiscal year terms, each June.

DISCUSSION:

Cheryl Boswell, CSA Coordinator, will present the Community Policy Management Team (CPMT) quarterly attendance record and CPMT member appointments.

RECOMMENDATION:

Staff recommends the Board of Supervisors approve the following appointments to the CPMT:

Appointment of the following CPMT member, effective December 15, 2016 - June 30, 2017:

Parent Representative – Amy Edwards

CPMT Attendance Record 2016

CPMT Member	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
1) Parent Representative												
Kim Van Der Hyde (Member up until June 30, 2016)	PRESENT	X	PRESENT	X	PRESENT	PRESENT	PRESENT					
Jennifer Cooper (Member as of July 1, 2016)							PRESENT	X	PRESENT			
2) Pittsylvania County Schools												
Ann Cassada (Member) (CPMT Chair 07/01/2014 -06/30/2016)	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PHONE	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT
Robin Haymore (Alternate)	X	X	X	X	X	X	X	X	X	X	X	X
3) Pittsylvania County DSS												
Sherry Flanagan (Member)	X	PRESENT	PHONE	PRESENT	X	PRESENT	PRESENT	PRESENT	X	PRESENT	PRESENT	PRESENT
Valerie Weir (Alternate as of July 2014)	PRESENT	X	X	X	X	X	X	X	X	X	X	X
4) Danville- Pittsylvania Community Services												
James Bebeau (Member)	PRESENT											
Sandy Stevenson (Alternate as of October 2014)	X	PRESENT										
5) Court Services Unit												
Joyce Green (Member as of June 2015)	PRESENT	PRESENT	PRESENT	X	PRESENT	PRESENT	PRESENT	X	PRESENT	PRESENT	PRESENT	X
Jay Gaylor (Alternate as of October 2015)	X	X	X	X	X	X	X	PRESENT	X	X	X	X
6) Elected Sherriff												
Mike Taylor (Member)	PRESENT	PRESENT	PRESENT	PRESENT	X	PRESENT	PRESENT	PRESENT	X	PRESENT	PRESENT	X
Donald Motley (Alternate)	X	X	X	X	X	X	X	X	X	X	X	PRESENT
7) Government Official												
Robert Warren (member)	PRESENT	X	PRESENT	PRESENT	PRESENT	X	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT
8) Health Department												
9) Private Provider- Arc of Southside												
Tonya Milling (Member)	PRESENT	PRESENT	PHONE	PRESENT	X							
Monica Karavanic (Alternate)	X	X	X	X	X	X	X	X	X	X	X	X

x = absent

****CPMT Alternate attendance only required in CPMT Member is not present****

Resolution 2014-10-02: "CPMT members shall attend 75% of regularly scheduled meetings unless mitigating circumstances are approved by the Pittsylvania County Board of Supervisors."

APPOINTMENTS

PITTSYLVANIA COUNTY
Board of Supervisors

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Appointment – Tri-County Lake Administrative Commission (TLAC); County Administrator and Citizen Representative</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Appointments</p> <p><u>STAFF CONTACT(S):</u> Mr. Smitherman</p>	<p><u>AGENDA DATE:</u> 01-03-2017</p> <p><u>ACTION:</u> Yes</p> <p><u>CONSENT AGENDA:</u> <u>ACTION:</u></p> <p><u>ATTACHMENTS:</u> No</p> <p><u>REVIEWED BY:</u></p>	<p><u>ITEM NUMBER:</u> 28</p> <p><u>INFORMATION:</u></p> <p><u>INFORMATION:</u></p>
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BACKGROUND:

DISCUSSION:

Tri-Lakes Administrative Commission’s (TLAC) appointments are for a one-year term, beginning February 1, 2017 through January 31, 2018.

TLAC requires the County Administrator of each county participant be appointed to this Commission.

Pittsylvania County appoints a citizen representative to this Commission. Mr. Lionel Reynolds, Jr., the current Citizen Representative for Pittsylvania County, is eligible for re-appointment and has indicated he would like to continue serving on this Commission.

RECOMMENDATION:

The staff submits this to the Board for their review and consideration, and approval.

PITTSYLVANIA COUNTY
Board of Supervisors

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Recommendation on Board of Zoning Appeals Appointment</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Appointment Recommendation</p> <p><u>STAFF CONTACT(S):</u> Mr. Smitherman; Mr. Hunt</p>	<p><u>AGENDA DATE:</u> 01-03-2017</p> <p><u>ACTION:</u> Yes</p> <p><u>CONSENT AGENDA:</u> <u>ACTION:</u></p> <p><u>ATTACHMENTS:</u> 1. Letter from Director of Code Compliance 2. Description of Board of Zoning Appeals 3. List of current members serving on the Board of Zoning Appeals</p> <p><u>REVIEWED BY:</u> </p>	<p><u>ITEM NUMBER:</u> 29</p> <p><u>INFORMATION:</u></p> <p><u>INFORMATION:</u></p>
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BACKGROUND:

DISCUSSION:

Kenneth Talbott's term on the Pittsylvania County Board of Zoning Appeals will expire on January 16, 2017. Mr. Talbott is eligible for re-appointment for another 5-year term. While this appointment is made by the Pittsylvania County Circuit Court Judge, the Board of Supervisors may send via direction to the County Attorney their recommendations for any appointments to this board.

RECOMMENDATION:

Staff submits this to the Board of Supervisors for their review and consideration.

PITTSYLVANIA COUNTY
VIRGINIA

Department of Code Compliance
P.O. Drawer D
Chatham, Virginia 24531

Odie H. Shelton, Jr., Director



Phone Numbers:
Inspections (434) 432-7750
Zoning (434) 432-1771
Fax (434) 432-7919

November 30, 2016

Mr. J. Vaden Hunt
Pittsylvania County Attorney
P. O. Box 426
Chatham, VA 24531

Re: Reappointment of Board of Zoning Appeals Member

Dear Mr. Hunt:

Appointment of Board of Zoning Appeals member Kenneth Talbott will expire January 16, 2017. I have spoken with Mr. Talbott, and he is willing to serve another five year term. Please forward the necessary information to Judge Moreau to consider his reappointment.

If you need any further information or if I can be of any assistance, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Odie H. Shelton, Jr.", is written over the typed name.

Odie H. Shelton, Jr.
Director of Code Compliance/
Zoning Administrator

OHS, Jr/khb

C: Clarence Monday, Pittsylvania County Administrator
Kenneth Talbott, Board of Zoning Appeals Chairman

**PITTSYLVANIA COUNTY BOARD OF ZONING
APPEALS
(APPOINTMENT BY CIRCUIT COURT JUDGE)**

DESCRIPTION

Meeting Date/Time/Location: 2nd Tuesday of the Month at 7:00 p.m. in the Pittsylvania County General District Courtroom

Term: 5 years

Composition: A seven (7) member court-appointed body

Function/Duties: The Board of Zoning Appeals hears and rules on the following:

- Appeals from a Zoning Administrator's Ruling
- Applications for Variances from the Zoning Code
- Applications for Interpretations of the Zoning District Maps
- Special Use Permits
- Off-Site Sign Permits

**Pittsylvania County
Board of Zoning Appeals
2016**

Kenneth Talbott, Chairman
1512 Millstream Drive
Gretna, VA 24557
Home: (434) 656-3114
Mobile: (434) 941-7070
Email: ktalbott@gamewood.net

January 16, 2017

R. Allan Easley, Vice-Chairman
1908 Pleasant Gap Drive
Dry Fork, VA 24549
Home: (434) 432-8487
Work: (434) 432-4046
Email: easleya@nationwide.com

January 16, 2021

Leon Griffith
3464 Huntington Trail
Cascade, VA 24069
Home: (434) 685-4000
NO EMAIL

January 14, 2020

Mrs. Helen Glass
P. O. Box 1127
276 Squirrel Road
Gretna, VA 24557
Home: (434) 656-6217
Cell: (434) 429-9608
NO EMAIL

January 16, 2021

Joseph A. Craddock
8392 Deer View Road
Gretna, VA 24557
Home: (434) 335-4181
Work: (434) 856-8068
Work Cell: (434) 316-8898
Email: Joseph.Craddock@vdot.virginia.gov

January 16, 2021

Ronald E. Merricks
2640 Keeling Drive
Keeling, VA 24566
Home: (434) 799-9295
Work: (434) 432-5615
Email: rmerricks@chathamhall.org

January 14, 2020

Carroll Yeaman
4421 Mount View Road
Danville, VA 24540
Home: (434) 836-0142
Email: carrollyeaman@comcast.net

January 14, 2020

****Appointed by Circuit Court Judge Only****

REVISED 01/2016

REPORTS FROM BOARD MEMBERS

REPORTS FROM LEGAL COUNSEL

**REPORTS FROM
COUNTY
ADMINISTRATOR**

**PITTSYLVANIA COUNTY
BUDGET CALENDAR FY 2017-2018**

- | | |
|--|--|
| Friday, November 18, 2016: | <ul style="list-style-type: none">•Submission of CIP Update by Departments |
| Friday, December 30, 2016: | <ul style="list-style-type: none">•Department Requests deadline |
| Week of January 16, 2017: | <ul style="list-style-type: none">•Departmental Budget Reviews |
| Tuesday, January 17, 2017-4:30 pm:
Finance Committee Meeting | <ul style="list-style-type: none">•Presentation of FY16 Audit•Year-to-date Financial Report•Discussion & Approval of FY 16/17 Calendar•Guidance to Staff for FY 16/17 Budget |
| Monday, February 6, 2017 – 5:00 pm:
Finance Committee Meeting | <ul style="list-style-type: none">•Review Revenues |
| Tuesday, February 21, 2017 – 5:00 pm:
Finance Committee Meeting | <ul style="list-style-type: none">•Submit County Administrator’s recommended budget |
| Monday, March 6, 2017 – 5:00 pm:
Finance Committee Meeting | <ul style="list-style-type: none">•Budget approved for advertisement by the Finance Committee to the full Board of Supervisors•Budget approved for advertisement at the regular meeting of the Board of Supervisors |
| Wednesday, March 8, 2017: | <ul style="list-style-type: none">•Budget will be advertised (pending approval and date set by Finance Committee) |
| Monday, March 20, 2017 – 7:00 pm:
Special Meeting | <ul style="list-style-type: none">•Public hearing on school budget and public hearing on full county budget (budget cannot be approved until 7 days after public hearing) |
| Monday, April 3, 2017 – 7:00 pm: | <ul style="list-style-type: none">•Approval of the school budget and full county budget at the regular meeting of the Board of Supervisors |



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

Fax: 804-698-4019 - TDD (804) 698-4021

www.deq.virginia.gov

Molly Joseph Ward
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December 22, 2016

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

RE: Federal Energy Regulatory Commission Draft Environmental Impact Statement for the Mountain Valley Project (FERC/DEIS-D0272; FERC Docket Number CP16-10-000; DEQ 16-194F).

Dear Secretary Bose:

The Commonwealth of Virginia has completed its review of the draft environmental impact statement (DEIS) for the portions of the Mountain Valley Project (MVP) in Virginia. The Virginia Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal environmental documents prepared pursuant to the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. This letter, including attachments, is the Commonwealth of Virginia's response to the September 16, 2016 public notice, issued by the Federal Energy Regulatory Commission (FERC or Commission) for the MVP DEIS.

Comments from reviewers primarily focus on recommending measures to mitigate potential environmental impacts. In general, participants in the Commonwealth's review support the recommendations in the DEIS to coordinate with government agencies, adhere to protective construction measures, and mitigate for unavoidable impacts. State agencies are also supportive of some route variations that protect resources under their jurisdiction. These statements are discussed in the detailed comments from reviewers in Attachment B. However, the Commonwealth has reached two significant conclusions:

- A supplemental DEIS is needed to address adequate analysis of newly submitted route changes.

- A comprehensive forest mitigation plan addressing direct and indirect forest loss is needed.

Supplemental DEIS

There were a number of route changes to the MVP in Virginia that were submitted to the FERC docket in October 2016. Some route changes were at FERC's request while others appeared to be corrections to the route as described in the DEIS. In addition, Mountain Valley Pipeline, LLC (MVP, LLC) submitted limited analysis for the route variations and changes to plans, surveys and assessments during October and changes to their plans and procedures (directly to DEQ) in November. Based on a review of this information, it appears that impacts from some proposed route variations or the viability of construction procedures in some locations are uncertain. The Commonwealth appreciates the flexibility that is necessary and inherent in any planning project. However, the DEIS lacks a thorough and accurate environmental analysis of the substantial changes that were made during the public comment period. For these reasons, the Commonwealth strongly recommends that FERC prepare a supplemental DEIS pursuant to 40 Code of Federal Regulations (CFR) 1502.9. The Commonwealth also recommends that the supplemental DEIS include analysis, especially in sensitive environmental areas, of the October 2016 proposed route changes and any additional variations, address applicable comments that are detailed in the attachments, and provide the opportunity for sufficient public comment.

Forest Mitigation Plan

The Commonwealth agrees with FERC that implementation of the MVP will create adverse and significant impacts on forests and supports the recommendation for MVP, LLC to develop a mitigation plan in coordination with federal and state agencies for upland forest impacts (DEIS, Section 4.4.3). However, the Commonwealth's natural resource agencies indicate that indirect impacts and associated mitigation were not adequately addressed in the DEIS (see Attachment B). The regulations implementing NEPA (40 CFR 1500 et seq.) clearly state that federal agencies must discuss means to mitigate adverse environmental impacts, including indirect effects and their significance. The Commonwealth is recommending that FERC include a recommendation in Section 5.2 of the Final Environmental Impact Statement (EIS) that requires coordination with the Commonwealth's natural resource agencies and applicable federal agencies to mitigate direct and indirect impacts to upland forests in Virginia, specifically forested cores, and that if the Commission approves the construction and operation of the MVP, it condition the order on adherence to this recommendation.

Coordinated Review

As part of the Commonwealth's review, DEQ requested comments from state agencies, *localities and planning district commissions*. DEQ notified reviewers of the availability of the DEIS and additional information submitted to the FERC docket by MVP, LLC on October 14, 20 and 27, 2016. Reviewers also had an opportunity to review files suitable for use in Geographic Information System software of the route that were provided by MVP, LLC. The comments that were submitted as part of this review are attached and organized as follows:

- Attachment A: Recommendations for the Supplemental or Final EIS, Plans and Procedures
- Attachment B: Detailed comments from reviewers

Attachment A includes more than 70 recommendations that are based on a summation of comments from participating agencies, localities and planning district commissions. *This summary highlights priorities derived from submitted comments and is not meant to substitute the totality of the individual comments in Attachment B.* The Commonwealth recommends that FERC consider every comment, correction or recommendation detailed in Attachment B that FERC did not already address during the consideration of Attachment A.

Thank you for the opportunity to comment. If you have questions, please do not hesitate to contact me at bettina.sullivan@deq.virginia.gov or (804) 698-4204.

Sincerely,



Bettina Sullivan, Manager
Environmental Impact Review and Long Range
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Enclosures

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ATTACHMENT A: RECOMMENDATIONS FOR THE SUPPLEMENTAL OR FINAL EIS, PLANS AND PROCEDURES

The recommendations within this attachment are organized as follows:

- [Part I: Section 5.2 of the Final EIS](#)
 - [New Recommendations](#)
 - [Modifications to Existing Recommendations in Section 5.2](#)
- [Part II: Supplemental or Final EIS, Plans and Procedures](#)
 - [Route Changes and Variations](#)
 - Canoe Cave Conservation Site
 - Mount Tabor Variation and Slussers Chapel Conservation Site
 - Mill Creek Springs Natural Area Preserve
 - DCR Conservation Areas
 - Surface Waters
 - Wildlife Resources
 - Aviation
 - [Preconstruction Recommendations](#)
 - Surface Waters and Groundwater Resources
 - Infrastructure Conflicts
 - Karst Resources
 - Wildlife Resources
 - Contaminated Soil, Sediment and Groundwater
 - Recreational and Scenic Resources
 - Virginia Outdoors Foundation Easements
 - Geologic and Mineral Resources
 - Pollution Prevention
 - Aviation
 - Drinking Water Resources
 - Rare Plants
 - [Mitigation Measures for Construction and Maintenance Activities](#)
 - Wetlands and Surface Waters

- Hydrostatic Testing
- Stream Crossings
- Forest Resources
- Wildlife Resources
- Erosion and Sediment Control
- Right-of-Way Maintenance
- Government-Funded Best Management Practices
- Open Burning and Fugitive Dust
- Aviation
- [Recommendations for Specific Plans](#)
 - Spill Prevention Controls and Countermeasures and Emergency Response Plan
 - Migratory Bird Conservation Plan
 - Exotic and Invasive Species Control Plan
 - Fire Prevention and Suppression Plan
 - Plans for the Management of Waste and Contaminated Soil, Sediment and Groundwater
 - Plan for Discovery of Unanticipated Paleontological Resources
 - Blasting Plan
 - Karst Mitigation Plan
 - Traffic and Transportation Management Plan
- [Comments for the Bureau of Land Management and U.S. Forest Service](#)
- [Errors in the EIS](#)

Part I: Section 5.2 of the Final EIS

The Commonwealth of Virginia recommends that FERC include the following recommendations in Section 5.2 of the Final EIS (FEIS) and that if the Commission approves the construction and operation of the Mountain Valley Project (MVP), it condition the order on adherence to these recommendations. If FERC does not include these recommendations in Section 5.2, then the Commonwealth recommends that they be incorporated in appropriate sections of the FEIS, plans and procedures as mitigation measures. To the extent practicable, the Commonwealth recommends that the Bureau of Land Management and U.S. Forest Service also consider these recommendations to the degree that they relate to decisions under their jurisdiction.

1) New recommendations for Section 5.2

- a) **Recommendation:** Given the adverse impact to forestland that has been documented and recognized by FERC as significant in its analysis, the Commonwealth of Virginia recommends that FERC include in Section 5.2 a recommendation that directs MVP, LLC to coordinate with Virginia's natural resource agencies and applicable federal agencies on an acceptable mitigation plan to offset and compensate for the significant forestland impacts in Virginia, including direct and indirect losses and fragmentation effects.

Findings to support recommendation: The DEIS directs MVP, LLC to develop a mitigation plan in coordination with federal and state agencies for upland forest impacts in Section 4.4.3. Failing to include a robust account for direct and indirect impacts of the MVP to forests would gravely underestimate the extent to which Virginia's forest would be affected by the project. For additional evidence to support the recommendation, see comments from the Commonwealth's natural resource agencies in Attachment B.

- b) **Recommendation:** Include a requirement directing MVP, LLC to develop an Acid Soil Mitigation Plan to be approved by Virginia Department of Environmental Quality (DEQ) and implement horizontal directional drilling (HDD) to the maximum extent practicable in areas containing acid soils. DEQ cautions that exposing these soils to the atmosphere through open trenching operations could result in acidic runoff, potentially resulting in environmental impacts. The plan should address how these areas will be managed, the disposition of acid soils, and details regarding proper storage and disposal practices.

Findings to support recommendation: DEQ considers stormwater management and erosion and sediment control (ESC) measures to be critically important to minimizing potential water quality impacts from the MVP. The MVP

crosses or is within 100 meters of more than 21 miles of Virginia streams. Additionally, there are areas of special interest such as karst, steep slopes, slide prone areas, and acid sulfate soils. Proper stormwater management and ESC design, implementation, and monitoring will be paramount in protecting these resources. The ESC procedures contained in the DEIS are not representative of the full scope of Virginia's requirements for stormwater and ESC. DEQ has required MVP, LLC to submit site-specific ESC plans to be reviewed and approved prior to land-disturbing activity. These ESC plans will be expected to meet and exceed Virginia's requirements, particularly in areas of special interest. See the DEQ comments in Attachment B.

- c) **Recommendation:** Add a recommendation to direct MVP, LLC to conduct pre-impact characterizations of proposed stream and wetland crossings to include sufficient evidence that the system will be able to maintain its original functions indefinitely after restoration. DEQ is concerned that the proposed temporary impacts could result in a permanent alteration of the impacted systems post construction. Pre-impact characterizations should include subsurface investigations at temporary stream and wetland impact areas to establish the feasibility of restoring the systems post construction and hydrologic assessments, including piezometers, to establish pre-impact hydrologic conditions at temporary wetland impact areas. See the DEQ comments in Attachment B.
- d) **Recommendation:** Add a new recommendation, or amend Recommendation 28, to include a requirement that MVP, LLC file feasibility and geotechnical studies for all HDD stream crossings. See the DEQ comments in Attachment B for location information.
- e) **Recommendation:** Include a requirement that directs MVP, LLC to develop a comprehensive Water Quality Monitoring Plan that describes how water quality monitoring will be conducted before, during and up to five years after project construction. The plan should focus on identifying an appropriate number of monitoring locations above and below where open trench crossing or HDD are used in critical areas such as wild/stocked trout streams, endangered/threatened species waters, public water supplies, total maximum daily load (TMDL) watersheds, Tier 3 streams, areas near acidic soils and streams with high Virginia Stream Condition Index (VSCI) scores. The plan should consider real-time temperature, dissolved oxygen and turbidity monitoring (such as that done in Virginia by the U.S. Geological Survey), which could allow the public and all agencies involved to access the data real-time. Additionally, the plan should include a collection of macroinvertebrates, fish, and habitat data, using DEQ-approved methods, above and below identified crossings during the project, and yearly for 5 years after completion of the project.

- f) **Recommendation:** Add a requirement directing MVP, LLC to conduct additional hydrostatic testing protections beyond the Virginia Pollutant Discharge Elimination System (VPDES) Permit discharge general permit requirements to include restricting volumes of intake and discharge not to exceed 10% of stream average daily flows and limiting screen sizes to not larger than 1 millimeter for withdrawals associated with hydrostatic testing and dust control.

Findings to support recommendation: MVP, LLC will be required to obtain coverage under the General VPDES Permit Regulation for Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests (9VAC25-120). Section 4.6.2.4 suggests that MVP, LLC will minimize impacts from water withdrawals by adhering to the measures in its procedures called Erosion and Sediment Control Plans. However, in those plans in Section 2.6.1 Hydrostatic Testing, there is no evaluation or assurance that aquatic life will be minimally impacted. The focus is on withdrawal with water discharges only being mitigated with an energy dissipating device. A rough analysis indicated discharge volumes ranging from 10% to 445% of the average daily stream flow. See the DEQ comments in Attachment B for additional information.

- g) **Recommendation:** Add a requirement for MVP, LLC to file stream and wetland mitigation plans prior to construction for permanent operational impacts, including permanent access roads and upgrades of existing roads for temporary access resulting in long-term stream impact. See the DEQ comments in Attachment B for additional information.
- h) **Recommendation:** Add a requirement that, prior to construction, MVP, LLC conduct dye trace studies, geological analysis and hydrological studies to determine subsurface flow paths in areas where the pipeline, access roads, layout yards, or fueling stations cross or lie upslope along drainages from karst features so that in the event of a spill, recovery and monitoring efforts may begin immediately. Locations of where channels terminate downstream of the project in swallets, especially in cases where swallets are more than 400 feet from the project centerline, should be documented. Incorporate results into the Karst Mitigation Plan. See DCR comment comments in Attachment B for specific locations.

Findings to support recommendation: DCR supports MVP, LLC's efforts in minimizing impacts to karst resources. However, the proposed practices do not completely eliminate the possibility of sediment or other contaminant releases during construction, maintenance, and operation of the pipeline. Primary contaminants of concern are sediment and chemicals, particularly hydrocarbons, associated with construction. Such contaminants could easily travel more than $\frac{1}{4}$

mile along these channels to downstream, receiving karst features, and in turn contaminate subterranean habitats and karst aquifers that supply water to springs and wells. The well and spring sampling protocol (see recommendation 2(e) of this section) should be revised and be based on the results of a robust and thorough karst hydrology study. See the DCR comments in Attachment B for additional information.

2) Modifications to Existing Recommendations in Section 5.2

- a) **Recommendation 5:** Require MVP, LLC to provide information on new route realignments or facility relocations, and staging areas, contractor yards, new access roads, and other areas that have not been previously identified in filings to DEQ and other entities responsible for permitting.
- b) **Recommendation 6(a):** Incorporate the recommended mitigation measures in Attachment A into the Implementation Plan for the MVP.
- c) **Recommendations 8, 25 and 26:** Modify the recommendations to include DEQ as an entity that will receive updated status reports, results, and plans.
- d) **Recommendation 26:** Amend the recommendation to include the requirement that MVP, LLC file site-specific plans for streams crossed by temporary roads, including crossing methods (bridge or culvert), and for culvert crossings, culvert sizes based on runoff calculations and time in place. Locations of fill sources, temporary crossing restoration plans, and excess fill material disposal sites should be identified.
- e) **Recommendations 25 and 39:** Amend the recommendations to include a requirement that MVP, LLC implement the following steps for a water monitoring assessment to ensure an accurate understanding of the environmental consequences related to karst resources as discussed in 4.3.1.2:
 - Identify resurgence springs and other down gradient, connected groundwater for karst areas crossed by MVP using dye tracing methods
 - Perform time-series monitoring of these features by using conductivity, temperature, pressure, and turbidity probes
 - Collect spot samples during base flow periods
 - Evaluate turbidity response to precipitation events prior to, during, and subsequent to construction

Findings to support recommendation: DCR is concerned that the proposed 500-foot buffer for identifying water sources in karst terrain is not adequate for identifying potential areas of impact as karst groundwater can move miles in a day. The existing water monitoring proposal would make it difficult to correlate impacts to the pipeline. Spot sampling of wells and springs prior to and after construction is important but karst waters can be dynamic. Depending on timing of sampling, results may or may not be characteristic. See the DCR comments in Attachment B for additional information.

- f) **Recommendation 41:** Modify the recommendation to include state-listed species and to require MVP, LLC to perform habitat assessments and/or species surveys, with permits as needed, for those species listed in the Department of Game and Inland Fisheries' (DGIF) detailed comments for which DGIF has not provided specific guidance (Attachment B). Modify the recommendation to require coordination with DGIF and DCR Division of Natural Heritage to ensure avoidance and minimization of impacts upon listed species and their habitats during project construction and long-term operation.

Part II: Recommendations for Other Sections of the Supplemental or Final EIS, Plans and Procedures

The Commonwealth of Virginia encourages FERC to incorporate the following recommendations into appropriate sections of the supplemental or final EIS, plans and procedures. To the extent practicable, the Commonwealth recommends that the Bureau of Land Management and U.S. Forest Service also consider these recommendations to the degree that they relate to decisions under their jurisdiction.

1) Route Changes and Variations

a) *Canoe Cave Conservation Site*

- i) Recommendation:** Avoid the Canoe Cave Conservation Site as part of continuing efforts to evaluate route adjustments as stated on page 4-35 (paragraph 4). See comments from DCR in Attachment B for additional information.
- ii) Recommendation:** Institute route variations to avoid the pipeline running parallel along or upslope of belts of significant karst. Crossing these belts perpendicularly to the geologic strike would minimize the effects of land disturbance on the karst areas. See the DCR comments in Attachment B for additional information.
- iii) Recommendation:** Ensure that MVP, LLC performs dye trace investigations to determine the recharge area of Canoe Cave and associated spring and consider route variations based on results since the proposed route and the associated access road are within the conservation site for the significant cave (see Figure 1 in the DCR comments in Attachment B). See the DCR comments in Attachment B for additional information.

b) *Mount Tabor Variation and Slussers Chapel Conservation Site*

- i) Recommendation:** Reroute the portion of the Mount Tabor alternative to avoid areas of concentrated water flow and associated erosion and sedimentation. See the DCR comments in Attachment B for additional information.
- ii) Recommendation:** Continue to evaluate alternatives in search of one that minimizes proximity to karst features and drainages associated with the Slussers Chapel Conservation Site.

Findings to support recommendation: The Mount Tabor reroute moves the proposed section of the pipeline through the Slussers Chapel Conservation site, off of karst bedrock and the Mount Tabor sinkhole plain, onto non-carbonate rocks just to the north. However, the Mount Tabor alternative crosses five deeply incised stream channels (some intermittent, others perennial) immediately upstream of the contact with the karst of the Slussers Chapel Conservation Site. Based on recent studies, all but one of the sinkpoints downstream of the indicated stream crossing have been traced directly to the stream in Slussers Chapel and Mill Creek Cave and spring (see Figure 2 in the DCR comment letter). The remaining sinkpoint is expected to trace to Slussers Chapel as well, since it is within the watershed boundary as defined by the other traces. The current MVP route as proposed has a high potential to alter the hydrology of the Slussers Chapel-Mill Creek Cave system, and impact downstream surface waters as well. Construction in these streams is likely to produce erosion issues that will persist well beyond the construction period. See the DCR comments in Attachment B for additional information.

- iii) **Recommendation:** Eliminate crossings on alignment sheet 27 by rerouting the pipeline in this area and change the route to avoid disturbance to active stream channels that lead to discrete inputs (swallets) of the Slussers Chapel – Mill Creek system. Obtain updated data on the thundercroft fissure. See the DCR comments in Attachment B for additional information.

c) Mill Creek Springs Natural Area Preserve

- i) **Recommendation:** Change the proposed route to include a variation that avoids the Mill Creek Springs Natural Area Preserve also known as the Blake Preserve since proposed activities would violate the terms of the deed of dedication and open space easement. When modifying the route to avoid the preserve, consider all alternatives in determining the least environmentally impactful pipeline route including impacts to karst. See the DCR comments in Attachment B for additional information.

d) DCR Conservation Areas

- i) **Recommendation:** Change the proposed route to include variations that avoid the following conservation areas (see the DCR comments in Attachment B for additional information):
- Roanoke River-North and South Forks Stream Conservation Unit
 - Stony Creek Stream Conservation Unit
 - Clover Hollow Conservation Site

- Craig Creek Stream Conservation Unit
- Canoe Cave Conservation Site
- Old Mill Conservation Site
- Kimballton Quarry (access roads)

e) *Surface Waters*

- i) **Recommendation:** Incorporate recommendations from DEQ to evaluate rerouting and, where not practicable, utilize enhanced ESC practices and increased inspections during construction activities. See the DEQ comments in Attachment B for detailed information.

f) *Wildlife Resources*

- i) **Recommendation:** Consider the long-term impacts of forest fragmentation and to minimize them to the greatest extent possible by co-locating the pipeline within already-disturbed utility corridors and early successional habitats. See the DGIF comments in Attachment B.

g) *Aviation*

- i) **Recommendation:** Consider impacts to the Roanoke-Blacksburg Regional Airport and the Smith Mountain Lake Airport if variations or route changes are proposed for areas north of the current alignment. See the Virginia Department of Aviation (DOAV) comments in Attachment B.

2) Recommendations for Preconstruction Planning, Surveys and Studies

a) *Surface Water and Groundwater Resources*

- i) **Recommendation:** Include an inventory of locations of private ponds relative to the pipe and road network. Locate road and pipe crossings down gradient of private ponds to the maximum extent possible and develop enhanced ESC measures to protect ponds from secondary impacts of construction where route alignments are not possible. See the DEQ comments in Attachment B.
- ii) **Recommendation:** Provide details regarding material to be used and installation methods for all temporary culverts and temporary fill in waterbodies and wetlands for permanent and temporary access roads, including methods proposed to stabilize fill material. Include a detailed analysis of all alternatives relative to the use of culverts and temporary fill, such as relocations and bridges, to reduce both permanent and temporary

waterbody impacts. See the DEQ comments in Attachment B.

b) Infrastructure Conflicts

- i) **Recommendation:** Consider the Town of Rocky Mount's concerns about the proximity of the MVP to the town's drinking water plant as prevailing winds tend to blow south and the pipeline would be within 2,000 feet of the facility at its closest point. To limit the duration of any nearby emergency that would affect the drinking water facility or State Route 220 corridor, the Town of Rocky Mount recommends that additional mainline block valves be installed in the vicinity. See the comments from the Town of Rocky Mount in Attachment B for additional information.
- ii) **Recommendation:** Consider the impact of pipeline construction to planned infrastructure activities in the Town of Rocky Mount and include coordination with the Western Virginia Water Authority (WVWA) as a requirement to mitigate potential conflicts. See the comments from the Town of Rocky Mount in Attachment B for additional information.

c) Karst Resources

- i) **Recommendation:** Incorporate location-specific recommendations from DCR to protect karst resources. See the DCR comments in Attachment B for locations and associated recommendations and hydrological studies.

d) Wildlife Resources

- i) **Recommendation:** Update preconstruction requirements to include recommendations for mussel surveys (see the DGIF comments in Attachment B) :
 - If any work is proposed in streams known to support listed mussels, or in their perennial tributaries, perform a mussel survey and relocation from 100 meters upstream through 400 meters downstream of impact areas. This survey should be performed by a qualified, permitted biologist, preferably no more than six months prior to the start of construction.
 - Ensure that all survey and relocation activities should adhere to draft guidance (attached to DGIF's detailed comments in Attachment B).
 - Coordinate any relocations should be coordinated with DGIF.
 - Coordinate with the U.S. Fish and Wildlife Service prior to relocating federally listed species.

- Submit survey results to DGIF. Upon review of the results, DGIF will make final recommendations regarding the protection of listed species known from the area.
 - Coordinate with the U.S. Fish and Wildlife Service.
- ii) **Recommendation:** Include all habitat survey results for the bog turtle. Due to access restrictions, habitat assessments are not complete and surveying continues. See the DGIF comments in Attachment B.
- iii) **Recommendation:** Adhere to time-of-year restrictions for all instream work as described in Part II items 3(c)(iii) and 3(e)(ii). See the DGIF comments in Attachment B for additional information.

e) Contaminated Soil, Sediment and Groundwater

- i) **Recommendation:** Add clarification that soil or sediment that is suspected of contamination should be addressed by the six-stage response plan as referenced in Section 4.2.2.2 in addition to the Unanticipated Discovery of Contamination Plan and in accordance with all applicable federal, state, and local laws and regulations. See the DEQ comments in Attachment B.
- ii) **Recommendation:** Incorporate more specific measures, including coordination with appropriate regulatory agencies, to manage groundwater suspected of contamination or discovery of any brine pit as referenced in section 4.3.1.2. Ensure that the Environmental Inspectors (EIs) complete more specific training and use proper field equipment for contamination analyses. See the DEQ comments in Attachment B.

f) Recreational and Scenic Resources

- i) **Recommendation:** Include coordination with the DCR Division of Planning and Recreational Resources since the route easement could offer connection to regional and local trail systems. See the DCR comments in Attachment B for additional information.

g) Virginia Outdoor Foundation Easements

- i) **Recommendation:** Incorporate accurate impacts to easements owned by the Virginia Outdoors Foundation (VOF) and identify future coordination with the VOF Board of Trustees as a requirement pursuant to the Code of Virginia §10.1-1704 as applicable.

h) Geologic and Mineral Resources

- i) Recommendation:** Incorporate information to address analytical deficiencies identified by the Department of Mines, Minerals and Energy (DMME) in Attachment B by including impacts to undeveloped mineral resources with potential economic value and addressing the potential for acid drainage from the coal-bearing strata of the Price Formation and potential debris flows at slopes as low as approximately 5%.

i) Pollution Prevention

- i) Recommendation:** Include additional information on reuse, recycling and pollution prevention as identified below by the DEQ Office of Pollution Prevention (see comments in Attachment B).
- Consider the development of an effective Environmental Management System (EMS). An effective EMS will ensure that the proposed project is committed to complying with environmental regulations, reducing risk, minimizing environmental impacts, setting environmental goals, and achieving improvements in its environmental performance. DEQ offers EMS development assistance and recognizes facilities with effective Environmental Management Systems through its Virginia Environmental Excellence Program (VEEP). VEEP provides recognition, annual permit fee discounts, and the possibility for alternative compliance methods.
 - Consider reuse and recycling opportunities when evaluating waste handling, including asphalt recycling (Section 2.4.2.12, p. 2-47), mulching of brush and timber (Section 2.4.2.2, p. 2-38) and water reuse opportunities (p. 4-101).
 - Consider contractors' commitment to the environment when choosing contractors. Specifications regarding raw materials and construction practices can be included in contract documents and requests for proposals.
 - Choose sustainable materials and practices for construction and design, including the use of native species and pollinators when re-establishing vegetation (Section 2.3.4, p. 2-28).
 - Integrate pollution prevention techniques into maintenance and operation.
 - Encourage supply chain partners to implement pollution prevention, sustainability, and environmental management systems.
 - Coordinate with the DEQ Office of Pollution Prevention for additional information and technical assistance relating to pollution prevention techniques and EMS.

j) Aviation

- i) **Recommendation:** Ensure that the design of above-ground facilities does not interfere with pilots' safe ingress and egress at nearby airports at their existing configuration and with planned improvements and runway expansion. See the DOAV comments in Attachment B for additional information.

k) Drinking Water Resources

- i) **Recommendation:** Follow recommendations from the Virginia Department of Health (VDH) to protect drinking water sources (private wells, springs, cisterns and public water supplies), conduct a survey of onsite sewage systems and private wells in relation to the pipeline route to determine potential impacts, and coordinate with VDH Office of Environmental Health Services (see the VDH comments in Attachment B).

l) Rare Plants

- i) **Recommendation:** Conduct surveys for the following non-listed state and globally rare plants that are tracked by DCR and that were not included in the previous rare plant surveys for the project (see the DCR comments in Attachment B):
- Chestnut lip fern (*Cheilanthes castanea*, G5/S2/NL/NL) – Ellison Quad
 - Piedmont fameflower (*Phemeranthus piedmontanus*, G1/S1/NL/NL) – Boone's Mill Quad
 - Weak bluegrass (*Poa saltuensis*, G5/S2/NL/NL) – Penhook Quad
 - Prairie dropseed (*Sporobolus heterolepis*, G5/S1/NL/NL) – Penhook Quad

3) Mitigation Measures for Construction and Maintenance Activities

a) Wetlands and Surface Waters

- i) **Recommendation:** Include temporary wetland impact soil handling requirements as detailed in the DEQ comments in attachment B. During trench excavation in all wetlands, saturated or unsaturated, segregate the upper 12-inches of the soil profile as "wetland topsoil" from the underlying subsoil, store the wetland topsoil in a soil stockpile separate from other soil materials, and upon closing the trench, use the wetland topsoil to fill the upper 12-inches of the trench to reconstruct the wetland soil profile. Restore temporarily disturbed wetland areas to pre-existing conditions within 30 days of completing work at each respective temporary impact area, including

reestablishing preconstruction elevations and contours with topsoil from the impact area and planting or seeding with appropriate wetland vegetation according to pre-disturbance cover type.

- ii) **Recommendation:** Incorporate recommendations for additional information and clarification to enable sufficient analysis of surface water resources (see the DEQ comments in Attachment B for a list).

b) Hydrostatic Testing

- i) **Recommendation:** Identify a more suitable location for the discharge that is currently proposed to Craig Creek at Milepost 219.5 since the discharge contradicts a requirement of the FERC Wetland and Waterbody Construction and Mitigation Procedures not to discharge into waterbodies which provide habitat for federally listed threatened or endangered species without appropriate permissions. Provide clarification and correction to Table 4.3.2-10 and associated portions of the EIS as identified by DEQ in its comments in Attachment B.

c) Stream Crossings

- i) **Recommendation:** Incorporate the following Virginia Marine Resources Commission (VMRC) recommendations, which are standard instream permit conditions, for jurisdictional stream crossings since the project will require a Subaqueous Lands Permit pursuant to the Code of Virginia § 28.2-1204 (see the VMRC comments in Attachment B):
- A "frac-out" contingency plan must be provided for any crossings utilizing the directional drill method to address potential frac-outs or related spills associated with any directional drilling activities.
 - In an effort to minimize adverse impacts to threatened and endangered fish and mussel species, instream surveys and species relocations may be required. No instream construction shall be conducted during any recommended time-of-year restrictions of any year unless waived by DGIF in writing.
 - The instream construction activities shall be accomplished during low flow periods utilizing darn and pump, flume around or within cofferdams constructed of nonerodible materials in such a manner that no more than half the width of the waterway is obstructed at any point in time. All areas of state-owned bottom and adjacent lands disturbed by this activity shall be restored to their original contours and natural conditions within thirty (30) days from the date of completion of the authorized work. All excess

materials shall be removed to an upland site and contained in such a manner to prevent its reentry into state waters.

- Erosion and sediment control measures shall be in conformance with the 1992 Third Edition of the *Virginia Erosion and Sediment Control Handbook* and shall be employed throughout construction.
- If it is determined that blasting is necessary at any of the crossings, DGIF shall be notified a minimum of 48 hours in advance of the blasting.
- The DCR shall be contacted for any stream crossings where karst landscape features are encountered during installation.
- DGIF shall be contacted for any work in trout waters to avoid conflicts with trout stocking activities.

ii) Recommendation: Include a table citing recommendations identified by the DEIS or by state agency correspondence to protect freshwater aquatic resources at each of the VMRC jurisdictional stream crossings and the applicant's intention of following those recommendations. See the VMRC comments in Attachment B for additional information.

iii) Recommendation: Adhere to the following time-of-year restrictions for all instream work (see the DGIF comments in Attachment B for additional information):

- From May 15 through July 31 of any year in waters known to or anticipated to support Atlantic pigtoes
- From March 15 through May 31 and August 15 through October 15 of any year in waters known to or anticipated to support dwarf wedgemussels
- From April 15 through June 15 and August 15 through September 30 of any year for waters known to or anticipated to support green floaters
- From March 15 through June 30 of any year in waters known to support Roanoke logperch or their tributaries

iv) Recommendation: Include a directive that when MVP, LLC coordinates with DGIF, the applicant must provide a stream/wetland crossing table that includes information in the list below, so that agencies may make clear recommendations, as appropriate, about any given stream or wetland crossing:

- Latitude/longitude coordinates for each crossing site
- Name of stream being crossed
- Type of stream being crossed (perennial, intermittent)
- Description of the substrate in the stream at each crossing
- Depth and width of stream at crossing

- Photographs of each crossing site (including up and downstream photographs)
- A map depicting each crossing site and that is referenced to the stream crossing table

d) Forest Resources

i) Recommendation: Incorporate the following recommendations to mitigate the impacts of forest fragmentation on biodiversity (see the Department of Forestry (DOF) comments in Attachment B):

- Keep right-of-way clearing to the minimum width necessary to prevent interference from trees and other vegetation.
- Establish herbaceous species and shrubs or some low-growing trees that are considered desirable ground cover and valuable wildlife habitat along the right-of-way in the project's vegetation management and revegetation plan.
- Maintain a scrub habitat, dominated by low growing, bushy vegetation and young trees, which is preferable to mowing in forest habitats. It can provide quality habitat for wildlife species that are dependent on early successional habitat (birds, reptiles, and amphibians).

ii) Recommendation: Incorporate the following best management activities to protect forest resources (see the DOF comments in Attachment B):

- Restore contours to pre-construction conditions and controlling erosion until re-vegetation stabilizes the disturbed areas.
- Restore vegetation to native species and protecting the natural functions of the pre-construction ecosystem.
- Use machinery where feasible, that when combined (example: earth mover and cart) weigh less than 10 tons per axle. Research has shown that this will help alleviate compaction to the top 6-8 inches of soil where it can be more easily addressed. Combination vehicles weighing more than 10 tons can create compaction as deep as 3 feet which is very difficult to mitigate.
- Minimize traffic lanes for transporting cleared timber from the site.
- Follow Forestry Best Management Practices (BMPs) for water quality as outlined by the Virginia Department of Forestry's Voluntary BMP Guidelines publication for all harvesting operations.
- Stock pile soil away from trees that are to remain standing. Piling soil at a tree stem can kill the root system of the tree. Soil stockpiles should be covered, as well, to prevent soil erosion and fugitive dust.

- Retain existing groupings and/or clusters of trees and natural vegetation on the sites of the support facilities, where feasible, to provide aesthetic and environmental benefits, as well as reducing future open space maintenance costs.

e) *Wildlife Resources*

i) Recommendation: Incorporate the following construction mitigation recommendations to protect wildlife resources (see the DGIF comments in Attachment B for additional information):

- Review the Virginia Wildlife Action Plan (available through www.bewildvirginia.org) to determine what threats are known to these species, what suitable habitat for these species consists of and how to best protect them and their habitats from harm.
- Conduct any in-stream activities, whether resulting in permanent or temporary impacts, during low or no-flow conditions, using non-erodible cofferdams or turbidity curtains to isolate the construction area, blocking no more than 50% of the streamflow at any given time, stockpiling excavated material in a manner that prevents reentry into the stream, restoring original streambed and streambank contours, revegetating barren areas with native vegetation, and implementing strict erosion and sediment control measures.
- To minimize harm to the aquatic environment and its residents resulting from use of the Tremie method to install concrete, installation of grout bags, and traditional pouring of concrete, ensure that such activities occur only in the dry, allowing all concrete to harden and cure prior to contact with open water.
- Due to future maintenance costs associated with culverts, and the loss of riparian and aquatic habitat, construct stream crossings via clear-span bridges. However, if this is not possible, countersink any culverts below the streambed at least 6 inches, or use of bottomless culverts, to allow passage of aquatic organisms.
- Install floodplain culverts to carry bankfull discharges.
- The use of directional drill, aerial crossing, or other methods that avoid impacts upon streams, wetlands, and other unique natural resources is preferable when practicable.
- Due to recent examples of frac-outs leading to bentonite mud spills resulting from the directional drill method, perform geotechnical analysis of all proposed sites for directional drills and closely review it to ensure that the sites are suited for such a crossing method. Depending on the sensitivity of any given stream, it may be preferable to trench crossings

that adhere to DGIF's instream work recommendations or any recommendations made for the protection of listed species and/or designated wildlife resources.

- If a directional drill is the chosen method, develop a contingency/clean-up plan to address frac-outs and/or spills.
- To minimize the adverse impacts of linear utility project development on wildlife resources, avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable; maintain naturally vegetated buffers of at least 100 feet in width around wetlands and on both sides of perennial and intermittent streams, where practicable; conduct significant tree removal and ground clearing activities outside of the primary songbird nesting season of March 15 through August 15; and, implement and maintain appropriate erosion and sediment controls throughout project construction and site restoration.

ii) Recommendation: Incorporate the following recommendations to protect designated trout streams, which are ecologically and economically significant resources in Virginia (see the DGIF comments in Attachment B):

- Adhere to the following time-of-year restrictions for all instream work:
 - From October 1 through March 31 of any year within Bottom Creek and all tributaries in Roanoke and Montgomery Counties (brook trout), Little Stony Creek in Giles County (brook trout), Green Creek in Franklin County (brown trout), Mill Creek (brown trout) and
 - From March 15 through May 15 of any year within Little Stony Creek in Giles County (rainbow trout).
- Coordinate with DGIF to ensure avoidance of stocking and/or angling activities in Little Stony Creek in Giles County during project construction and long-term operation.

iii) Recommendation: Incorporate the consideration of impacts upon state-listed endangered bat (tri-colored bat and little brown bats) that may result from construction activities and coordinate with DGIF if the surveys indicate that the species are roosting along the proposed pipeline corridor. See the DGIF comments in Attachment B for additional information.

iv) Recommendation: Include an analysis of possible impacts to timber rattlesnakes and directives that construction workers are provided educational training in coordination with DGIF (see Attachment B).

v) Recommendation: Ensure that construction activities, including but not limited to vegetation clearing, do not take place during the customary time-of-

year restrictions within suitable loggerhead shrike habitat until outstanding issues related to nest occupancy surveys can be clarified to DGIF's satisfaction (see Attachment B).

f) *Erosion and Sediment Control*

- i) **Recommendation:** To the degree that it is consistent with Virginia Erosion and Sediment Control Law and regulations, require the Wildlife Habitat Council, FERC and MVP, LLC's project-specific Erosion and Sediment Control Plans to meet or exceed DOF best management practices (BMPs) where appropriate (see the DOF comments in Attachment B).
- ii) **Recommendation:** To the degree that it is consistent with Virginia Erosion and Sediment Control Law and regulations, incorporate detailed comments from the Department of Conservation and Recreation (DCR) regarding proposed seed mixes and ensure that recommended seed mixtures include seeds of native plants and, to the degree practicable, do not contain any species listed on the Virginia DCR Invasive Plant Species List. See the DCR comments in Attachment B for additional information.

g) *Right-of-Way Maintenance*

- i) **Recommendation:** Include a robust monitoring and adaptive management plan as part of right-of-way maintenance to provide guidance if initial revegetation efforts are unsuccessful or if invasive species outbreaks occur. See the DCR comments in Attachment B for additional information.
- ii) **Recommendation:** Include maintenance of vegetation using annual mowing in the non-growing season between October 15 and April 1 and minimal to no use of chemicals, especially in sensitive areas with documented natural heritage resources. See the DCR comments in Attachment B for additional information.

h) *Government-Funded Best Management Practices*

- i) **Recommendation:** Ensure any impacted BMPs along the route (see map attached to the DCR comments in Attachment B) be reinstalled or relocated. Examples of BMPs include livestock fences and stream crossings re-erected, watering systems relocated, cover crops reimbursed to the farmers, and disturbed areas re-vegetated.
- ii) **Recommendation:** Add a recommendation for MVP, LLC to coordinate with the DCR Division of Soil and Water Conservation on tree loss associated with

impacted BMPs on a case-by-case basis (see the DCR comments in Attachment B for contact information).

iii) Recommendation: For segments of the MVP that cross TMDL Implementation Planning (IP) watersheds, where implementation has already occurred, incorporate a requirement that MVP, LLC replace BMPs such as livestock exclusion and riparian buffers if they need to be destroyed or have funds allocated to replace the BMPs nearby (see the DEQ comments in Attachment B). This recommendation affects the following IP watersheds:

- Four watersheds of the Blackwater River (Upper, Middle, North Fork and South Fork) IP
- Two watersheds of the Lower Blackwater River, Maggodee and Gills Creek IP
- One watershed of the Pigg River and Old Womans Creek Watersheds IP and
- Two watersheds of the Upper Banister River and Tributaries IP

j) Open Burning and Fugitive Dust

i) Recommendation: Include requirements that open burning is allowed only in accordance with 9VAC20-81-95 of the Virginia Solid Waste Management Regulations (VSWMR) and localities should be consulted since they may have additional open burning restrictions. See the DEQ comments in Attachment B.

ii) Recommendation: Include requirements that construction activities associated with the MVP are subject to the Air Pollution Control Regulations regarding open burning (9 VAC 5-130 et seq.) and fugitive dust (9 VAC 5 -50-60 et seq.) and that the project would be subject to any applicable existing source regulations related to the southern part of Roanoke County, which is a volatile organic compound (VOC) and nitrogen oxide (NO_x) emissions control area. See the DEQ comments in Attachment B.

iii) Recommendation: Include a recommendation that MVP, LLC mitigate construction-related air emissions through the use of construction equipment that releases cleaner emissions. See the DEQ comments in Attachment B.

j) Aviation

i) Recommendation: Include potential impacts on aviation facilities and operations as identified by DOAV in Attachment B to ensure airport safety

and identify implementation of applicable requirements:

- The design of above-ground facilities must not interfere with pilots' safe ingress and egress at nearby airports at their existing configuration and with planned improvements and runway expansion.
- Activities at the project site should not pose a hazard or impediment to pilots using the airport. Hazards or impediments in design and operations include interference with navigation and communication equipment, interference with existing and planned approach procedures for all aircraft published for or by the airport, glare from building materials and external lights, and generation of dust or like particles.
- Construction activity in the vicinity of an airport, especially involving heavy equipment, must be in compliance with FAA Advisory Circular 150/5370-2E Operational Safety on Airports During Construction.
- To ensure that the proposed construction would not create a hazard to air navigation, the applicant should confirm with FAA that Part 77 safety areas, especially the horizontal surface, are not penetrated through the filing of Form 7460-1. See the DOAV comments in Attachment B.

4) Recommendations for Specific Plans

a) *Spill Prevention Controls and Countermeasures (SPCC) and Emergency Response Plan*

- i) Recommendation:** Update the emergency response plan (SPCC and Unanticipated Discovery of Contamination Plan for Construction Activities in Virginia) to include the results of dye tracing investigations performed where the pipeline runs across or above karst in the unlikely event that contaminants enter a karst feature. See the DCR comments in Attachment B for additional information as well as an example of how appropriate studies and planning could have prevented contamination of public water supplies from a fuel spill at a natural gas pipeline construction project.
- ii) Recommendation:** Update the SPCC with correct information, including replacing existing contact information with the Virginia Department of Emergency Management 24-hour notification number, and clarification as provided by DEQ (comments in Attachment B) that includes, but is not limited to, the following:
 - SPCC applicability includes facilities with total oil storage capacity of 1,320 gallons or greater and containers storing 55 gallons or more of oil. The SPCC and Tables 2-5A and 2-5B include inaccurate statements. Ancillary

oil storage in other areas of the facility, such as stored fuel, stored lubrication oil, and oil-filled equipment, are also to be included in aggregate storage calculations.

- A professional engineer must certify the SPCC as required by 40 CFR §112.3(d)(1)(iii).
- Spills 25 gallons or greater must be reported immediately.

b) Migratory Bird Conservation Plan

i) Recommendation: Update the Migratory Bird Conservation Plan to include the following (see the DGIF comments in Attachment B):

- Conduct an updated analysis, substituting the top two tiers of DGIF Species of Greatest Conservation Need (SGCN) found in DGIF's Wildlife Action Plan for selection of priority species for this project.
- Include the American Woodcock, which was excluded from the SGCN list in the DEIS.
- Ensure that the plan place greater emphasis on the following species:
 - Golden-winged warbler
 - Cerulean warbler
 - Swainson's warbler
 - Black-billed cuckoo
 - Northern saw-whet owl
 - Loggerhead shrike
 - Peregrine falcon
- Clarify the timing and methodology of nest occupancy surveys for the state-listed Loggerhead Shrike when clearing cannot be completed prior to nesting season.
- Coordinate with DGIF prior to all occupancy surveys to ensure surveys will be conducted according to DGIF protocols.
- Continue coordination with DGIF regarding assessments of potentially suitable habitat for the Loggerhead Shrike since the proposed route continues to be refined.
- To help minimize potential impact to nesting falcons, prior to all blasting work, coordinate the proposed location and timing of blasting activities in Virginia with DGIF. Loud blasting during construction could have impacts to nesting falcons, including flushing an incubating falcon from the nest, which could cause egg damage.
- Continue coordination with DGIF and the U.S. Fish and Wildlife Service regarding protection of bald eagle nests and golden eagles during project construction and long-term operation.

c) *Exotic and Invasive Species Control Plan*

i) Recommendation: Update the Exotic and Invasive Species Control Plan with the following mitigation recommendations from state agencies (see comments from DCR, DGIF and DOF in Attachment B for additional information):

- Consider the likely response of invasive species or target species when prescribing activities that result in soil disturbance or increased sunlight.
- During construction and follow-on maintenance activities, take steps to guard against construction vehicles inadvertently bringing into forest interiors invasive and/or non-native plant species from other locations. Weed seed and fungal spores can be transported in the mud or dirt on vehicles. Prior to moving equipment onto and off of an activity area, scrape or brush soil and debris from exterior surfaces, to the extent practical, to minimize the movement of invasive plants, pests and diseases to non-infested areas. Another option is to wash vehicles before they enter a weed-free area or when they leave an infested area. The emphasis of the cleaning should be in the wheels, wheel wells, bumpers, and undercarriage of the vehicle where most mud and dirt collects.
- If seeding or planting is necessary to minimize the threat of highly damaging invasive species from spreading, use native seed or non-invasive cover plants for revegetation.
- Conduct all site restoration for the following scenic and recreational resources with native plant species to restore the scenic value of the affected resources to the greatest extent possible:
 - Stony Creek Road and Route 42 in Giles County
 - Catawba Road in Montgomery County
 - Pigg River in Pittsylvania County
- Verify the locations of the invasive species identified in Table 4.4 1-4 of the DEIS as “unknown” for incorporation in the invasive species management plan.
- Implement the invasive species plan for the lifespan of the project as part of the right-of-way maintenance since invasive species outbreaks can occur any time during and after construction.
- Include a more robust and comprehensive invasive species control plan that fully addresses decontamination of construction machinery used during stream crossings and disinfection of personal gear worn by workers (e.g., boots, waders, etc.) to ensure that aquatic invasive species known from West Virginia are contained (e.g., zebra mussels, didymo, hydrilla, etc.) and are prevented from spreading into Virginia waters.
- Direct MVP, LLC to coordinate with DGIF (see DGIF’s detailed comments) for guidance.

d) *Fire Prevention and Suppression Plan*

- i) **Recommendation:** Update the MVP Fire Prevention and Suppression Plan to meet or exceed DOF fire prevention and suppression guidelines, add adherence to the plan as a condition of the FERC order (if approved) from the Commission, and require MVP, LLC to consult with DOF to ensure that the plan meets DOF's guidelines. See the DOF comments for details in Attachment B.

e) *Plans for the Management of Waste and Contaminated Soil, Sediment and Groundwater*

- i) **Recommendation:** Include a Waste and Debris Management Plan. The plan should address how all excess material and debris will be managed in accordance with all applicable federal, state, and local laws and regulations. See the DEQ comments in Attachment B.
- ii) **Recommendation:** Include the Unanticipated Discovery of Contamination Plan only under Appendix A in the SPCC and revise it with corrections and recommendations as identified by DEQ in its comments in Attachment B.

f) *Plan for Discovery of Unanticipated Paleontological Resources*

- i) **Recommendation:** Update the Plan for Discovery of Unanticipated Paleontological Resources to consider the potential for encountering Tertiary or Quaternary vertebrate and plant fossils in unconsolidated (non-bedrock) deposits. See the DMME comments in Attachment B.

g) *Blasting Plan*

- i) **Recommendation:** Update the blasting plan to reflect DGIF's requests for notifications and accurate DMME permitting and notification requirements. See DGIF and DMME comments in Attachment B.

h) *Karst Mitigation Plan*

- i) **Recommendation:** Incorporate existing and new dye trace information into the plan to determine flow direction to support recovery efforts after a spill and correct errors identified in the DCR comments in Attachment B.

j) Traffic and Transportation Management Plan

- i) Recommendation:** Incorporate recommendations from the Virginia Department of Transportation and ensure that the plan identifies the need for appropriate work zone and traffic control plans, permits and coordination (see the VDOT comments in Attachment B).

5) Comments for the Bureau of Land Management and U.S. Forest Service

- a) Recommendation:** Consider the Town of Blacksburg's comments and associated recommendations detailed in the town's resolutions (attached) that were passed on November 8, 2016, expressing opposition to the proposed amendments to the Jefferson National Forest Revised Land and Resource Management Plan (LRMP). See the comments from the Town of Blacksburg in Attachment B.

6) Errors in the EIS

- a) Recommendation:** Update the Supplemental of Final EIS with correct information as identified by DGIF, DCR, DEQ, DMME and DOF in Attachment B.
- b) Recommendation:** Incorporate corrections and project changes, such as the proposed use of municipal water supply sources instead of surface water withdrawals, identified in a November 17, 2016, letter from MVP, LLC (see Attachment B) that was submitted to DEQ after its commenting deadline request and conduct sufficient analysis on the changes.

PITTSYLVANIA COUNTY

VIRGINIA



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 Gretna/Hurt (434) 656-6211

MEMORANDUM

To: Otis S. Hawker, Assistant County Administrator
From: Pete Boswell., Chief Animal Control Officer
Date: December 28, 2016 **Subject:** **Animal Control Activity Report**

During the period of November 30, 2016, through December 31, 2016, the Animal Control Officers responded to 208 calls; and 101 follow up calls as per Pete Boswell, Chief Animal Control Officer, resulting in the following:

Description	Number	Remarks
Animals taken into custody:	70	
Dogs	32	
Cats	35	
Other	3	3- OPOSSUMS
Animals on hand at month end	7	
Animals dispatched	7	
Licenses checked	51	
Court cases	0	
Summons	16	
Animals Adopted	5	
Animals returned to owners	11	
Cats taken to the Humane Society	34	
Animals Transferred	18	7-FCHS 11-ARSPCA
Injured animals picked up	3	
Animals found in traps	36	
Exposures: Human/Saliva	0	
Exposures: Dogs/Cats/Wildlife	0	
Dog Bites	5	
Cat Bites	1	
Cruelty Checks	7	
Well-being Checks	27	
Cat/Dog Fights	5	
Investigated killings by dogs/cats	3	
Investigate killings by Coyotes	0	

If you have any questions concerning this, please do not hesitate to contact me.

PITTSYLVANIA COUNTY

VIRGINIA

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MEMORANDUM

To: Otis S. Hawker, Assistant County Administrator

From: Pete Boswell., Chief Animal Control Officer

Date: December 28, 2016

Subject: **Conservators of the Peace
Solid Waste Monitoring Report**

The Animal Control Officers whom have been appointed to the position of Conservators of the Peace monitoring solid waste sites in Pittsylvania County, as per Pete Boswell, Chief Animal Control Officer, for the period of July 27, 2016 through, August 31, 2016

Description	Number	Remarks
Total hours monitored	7.5HRS	.
Vehicles entering sites	46	
Vehicles checked	8	
Summons' issued	0	
Court Cases	0	
Convictions	0	

If you have any questions concerning this, please do not hesitate to contact me.

PITTSYLVANIA COUNTY
VIRGINIA



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MEMORANDUM

To: Otis S. Hawker, Assistant County Administrator

From: Kaylyn McCluster, Administrative Assistant III, County Administration *Kaylyn McCluster*

Date: December 29, 2016

Subject: **COMPLETED WORK ORDERS - DECEMBER 2016**

Attached please find a listing, by department, of completed work orders for the month of December. This list does not reflect work orders in progress but not yet completed, actual expenses incurred, or routine maintenance necessary for the smooth operation of the County facilities. However, it does reflect the total number of man-hours.

Presently, there are approximately 26 work orders still outstanding

If you have any questions concerning this, please do not hesitate to contact me.

KM
Attachment

cc: David Smitherman, County Administrator
Darrell W. Dalton, Superintendent of Building & Grounds

BUILDING & GROUNDS MAINTENANCE
WORK ORDERS COMPLETED FOR MONTH OF DECEMBER 2016

	NO. W/O	MAN-HOURS
ANIMAL CONTROL		
ARMORY		
A S C S / EXTENSION / USDA-FSA		
BOARD OF SUPERVISORS		
BUILDING & GROUNDS	1	4
BUILDING INSPECTIONS		
CAPTAIN MARTIN BLDG	1	1
CENTRAL ACCOUTING		
CENTRAL PURCHASING		
CIRCUIT COURT	1	1
CLERK OF COURT		
CODE COMPLIANCE (PLANNING COMMISSION & ZONING)	3	5
COMMISSIONER OF REVENUE	1	2
COMMONWEALTH ATTORNEY	2	1
COMPACTOR SITE	2	4
COUNTY ADMINISTRATOR AND ASST. COUNTY ADMIN.	1	1
COUNTY ATTORNEY		
COURTHOUSE (1968 ANNEX)		
COURTHOUSE (EDWIN R. SHIELDS)		
CSA - CPMB		
DEPOT BUILDING		
EMERGENCY 911 FACILITY	2	3
ENVIRONMENTAL HEALTH		
FINANCE		
FIRE MARSHAL		
GENERAL DISTRICT COURT	3	4
GRANTS ADMINISTRATION		
HEALTH DEPARTMENT	1	1
HUMAN RESOURCES		
HUMAN SERVICES FACILITY		
INDUSTRIAL PARKS		
INFORMATION TECHNOLOGY		
JAIL	107	52
JUVENILE & DOMESTIC COURT	2	2
JUVENILE & DOMESTIC COURT SERVICES UNIT	1	1
LANDFILL		
LIBRARY	1	4
LITERACY		
MAGISTRATE		
MOSES BUILDING		
OLD DOMINION AG. COMPLEX		
PCED BUILDING		
PURCHASING		
REASSESSMENT	1	1
RECREATION: RAIL-TRAIL & WAYSIDE PARK		
RECREATIONAL		
REGISTRAR-VOTING PRECINCTS	2	3
SHERIFF	2	3
SOCIAL SERVICES		
TREASURER	1	2
VICTIM WITNESS		
OTHER: 4380 BERRY HILL RD		
RINGGOLD DEPOT		
CALLANDS CLERKS OFFICE		
OLD BLAIRS SCHOOL		
DAN RIVER MIDDLE SCHOOL TOWER		
KENTUCK WALKING TRAIL		
TOTAL WORK ORDERS COMPLETED - DECEMBER 2016	133	95
YEAR TO DATE 07/01/2016 - 06/30/2017	653	633

**PITTSYLVANIA COUNTY CODE COMPLIANCE
MONTHLY REPORT & FEES
December 2016**

TYPES OF PERMITS

83	BUILDING PERMIT FEES COLLECTED	\$7,299.11
83	LEVY COLLECTED	\$146.20
0	SUBDIVISION FEES COLLECTED	\$0.00
18	ZONING PERMIT FEES COLLECTED	\$75.00
0	REINSPECTION FEES COLLECTED	\$0.00
8	LAND DISTURBING FEES COLLECTED	\$105.00
192	TOTAL FEES COLLECTED	\$7,625.31

MONTHLY BUILDING VALUES

4	NEW DWELLINGS	\$821,615.00
5	MOBILE HOMES/OFFICE TRAILERS	39,200.00
3	DOUBLE-WIDE MOBILE HOMES	300,000.00
2	MODULAR	405,826.00
14	COMMERCIAL CONSTRUCTION	471,279.00
55	MISCELLANEOUS	540,382.00
83	TOTAL	\$2,578,302.00
	NONTAXABLE: \$5,606,048.00	\$39,148,348.00

MONTHLY ACTIVITY REPORT

NUMBER OF BUILDING INSPECTIONS MADE	197
NUMBER OF REJECTIONS OF WORK	25
NUMBER OF E & S INSPECTIONS	35
NUMBER OF MILES INSPECTORS TRAVELED	3,512

MONTHLY ZONING FEES

3	REZONING FEES COLLECTED	\$549.53
3	SPECIAL USE PERMIT FEES COLLECTED	522.57
0	VARIANCE & APPEAL FEES COLLECTED	0.00
0	SIGN PERMIT	0.00
6	TOTAL	\$1,072.10

Respectfully Submitted,

Odie H. Shelton, Jr.
Director of Code Compliance/
Zoning Administrator

**PITTSYLVANIA COUNTY CODE COMPLIANCE
ANNUAL REPORT AND FEES
FOR 2016**

TYPES OF PERMITS

970	BUILDING PERMIT FEES COLLECTED	\$83,193.27
970	LEVY COLLECTED	\$1,666.20
0	SUBDIVISION FEES COLLECTED	\$0.00
212	ZONING PERMIT FEES COLLECTED	\$980.00
0	REINSPECTION FEES COLLECTED	\$0.00
117	LAND DISTURBING FEES COLLECTED	\$1,045.00
2269	TOTAL FEES COLLECTED	\$86,884.47

MONTHLY BUILDING VALUES

52	NEW DWELLINGS	\$10,647,902.00
54	MOBILE HOMES/OFFICE TRAILERS	1,148,721.00
28	DOUBLE-WIDE MOBILE HOMES	2,054,394.00
28	MODULAR	4,849,978.00
176	COMMERCIAL CONSTRUCTION	14,119,554.00
632	MISCELLANEOUS	6,327,799.00
970	TOTAL	\$39,148,348.00
	NONTAXABLE: \$5,606,048.00	\$39,148,348.00

MONTHLY ACTIVITY REPORT

NUMBER OF BUILDING INSPECTIONS MADE	2,634
NUMBER OF REJECTIONS OF WORK	449
NUMBER OF E & S INSPECTIONS	661
NUMBER OF MILES INSPECTORS TRAVELED	48,797

MONTHLY ZONING FEES

32	REZONING FEES COLLECTED	\$5,972.79
14	SPECIAL USE PERMIT FEES COLLECTED	2,975.76
2	VARIANCE & APPEAL FEES COLLECTED	361.86
2	SIGN PERMIT	341.64
2	APPEAL	402.52
52	TOTAL	\$10,054.57

Respectfully Submitted,

Odie H. Shelton, Jr.
Director of Code Compliance/
Zoning Administrator

ADJOURNMENT

