

PITTSYLVANIA COUNTY BOARD OF SUPERVISORS'
BUSINESS MEETING
September 20, 2022

VIRGINIA: The Pittsylvania County Board of Supervisors' Business Meeting was held on September 20, 2022, in the Board Meeting Room, 39 Bank Street, SE, Chatham, Virginia 24531.

CALL TO ORDER (7:00 PM)

Ingram called the Meeting to Order at 7:00 PM.

ROLL CALL

The following Members were present

Attendee Name	Title	Status	Arrived
William V. ("Vic") Ingram	Chairman - Tunstall District	Present	6:49 PM
Tim Chesher	Supervisor - Dan River District	Present	6:49 PM
Darrell Dalton	Supervisor - Callands-Gretna District	Present	6:49 PM
Timothy W. Dudley	Supervisor - Staunton River District	Present	6:49 PM
Ronald S. Scearce	Supervisor - Westover District	Present	6:49 PM
Robert ("Bob") W. Warren	Supervisor - Chatham-Blairs District	Present	6:49 PM

AGENDA ITEMS TO BE ADDED

Motion to make the following revisions to the Agenda:

- Add appointment of Interim County Administrator as item 13a;
- Add Finance Committee Recommendations as item 13b;
- Add Shell Building Moral Obligation Agreement as item 13c; and
- Remove the appropriation of the Public Safety funds in the amount of \$174,500 from the Budget Public Hearing and add it to New Business as item 12c.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dalton
SECONDER:	Chesher
AYES:	Ingram, Chesher, Dalton, Dudley, Scearce, Warren

APPROVAL OF AGENDA

Motion to approve Agenda as amended.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Warren
SECONDER:	Dudley
AYES:	Ingram, Chesher, Dalton, Dudley, Scearce, Warren

CONSENT AGENDA

Motion to approve Consent Agenda.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dalton
SECONDER:	Chesher
AYES:	Ingram, Chesher, Dalton, Dudley, Scearce, Warren

- August Board Meeting Minutes Approval (Staff Contact: Kaylyn M. McCluster)
- County's 2022 August Bill List Approval (online); (Staff Contact: Kimberly G. Van Der Hyde)
- Lisa Tuite Certificate Approval (Retirement); (Staff Contact: Kaylyn M. McCluster)
- Purchase of Service Weapon Approval (Deputy James R. Abbott Retirement); (Contact: Sheriff Taylor)

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- e. Appointment: Southern Area Agency on Aging (Teresa Easley); (Full Board Appointment); (Staff Contact: Kaylyn M. McCluster)
- f. Certificate Approval (Honoring C. Monday's Interim County Administrator Service); (Staff Contact: Kaylyn M. McCluster)
- g. Resolution # 2022-09-01 Adoption (Honoring Gregory Robinson, James Webb Space Telescope Program Director); (Staff Contact: Kaylyn M. McCluster)
- h. K. McCluster Certificate Approval (Certified Municipal Clerk Designation); (Staff Contact: Clarence C. Monday)
- i. Revised County Facility Alcohol Policy Approval (Staff Contact: Christopher C. Slemp)
- j. County Internet Service Provider Partnership Contract Approval (Staff Contact: Dave F. Arnold)
- k. Acknowledgment of Lease Transfer and Agreement to Amend Exhibit "B" to Lease Agreement Approval (RiverStreet); (Staff Contact: Dave F. Arnold)
- l. Open Space Land Use Renewal Contract Renewal Approval (Cedars Country Club, Inc.); (Contact: Robin C. Goard)

ITEMS REMOVED FROM CONSENT AGENDA

None.

PRESENTATIONS

a. General Presentations (Board of Supervisors)

The Board presented Certificates to McCluster for her CMC Designation and Monday for his service to the County as the Interim County Administrator.

b. School's 1% Sales Tax Referendum Presentation (Presenter: Dr. Jones)

Dr. Martha Walker introduced Jessica Dalton and Angela Rigney and allowed them time to speak on behalf of the Pittsylvania Career and Technical Center ("PCTC") regarding the 1% Sales Tax Referendum. Students can use high skilled equipment and receive experience in many career fields while at PCTC, and if the Referendum were to pass, it would greatly affect the continued success of many County students. Layton Wilson and Blake Hughes, PCTC alumni, spoke on the Precision Machining Technology Program and how it helped them with the knowledge and experience to take control of their futures. They spoke on the repairs needed and the effect these funds would have on PCTC and how it would allow them to expand, not only the building, but the programs it offers as well.

c. Dr. Jerry Wallace Introduction (DCC President); (Contact: Board of Supervisors)

Dr. Jerry Wallace, Danville Community College ("DCC") President, introduced himself to the Board and provided an update from DCC regarding programs it offers that pertain to the County.

HEARING OF THE CITIZENS

Irvin Moss, Westover District, stated he is a sixty-five (65) year- old lifelong resident of the Vandola Community, and he shared his opposition on the casino and the RV park in his community.

Bonnie Moss, Westover District, shared her opposition for the RV park. She is worried about the traffic, safety, and dangers that will surround this potential RV park.

Carolyn Bagley, Tunstall District, shared her concerns regarding schools and asked the Board to make it clear to the School Board that history will be taught rightly and thoroughly, and that every trace of gender identity and Marxist economics be completely removed from the public schools of the County.

Bob Carlberg, Staunton River District, responded to Warren's challenge at last month's Board Meeting regarding why someone may vote against the school's 1% Sales Tax Referendum. He stated his main issue is how it is being presented, and there is no guarantee that the citizens will

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not see a personal property tax increase in addition to the 1% sales tax increase. He also stated this would make us the highest sales tax County in the Commonwealth of Virginia. He also shared concerns regarding the Board's Code of Ethics.

Brenda Bowman, Chatham-Blairs District, gave an update regarding the "LOVE" sign and stated the letters were delivered at the Olde Dominion Agricultural Complex this week. They are planning a formal dedication for the sign in November. She also shared information from George Henderson regarding the 8th Annual Pittsylvania County Sports Hall of Fame Induction and Banquet that will be held on November 13, 2022, at the Tuscarora Country Club.

Marvin Hylton, Westover District, shared his concerns regarding the potential RV park coming to his community. He is concerned about the increased traffic, trash, and additional strain that it will have on the local Fire Departments. His main concern is the property values in this area, and he does not believe that Vandola Church Road is compatible with an RV park.

Claudia Jones notified the Board that they are holding a conference, *United, We Stand for America*, on October 21, 2022, at Motley's Mill Waterfall Estate. They will have international speakers and will also provide a lunch.

Ben Meeks, Callands-Gretna District, stated he has been a volunteer in the County for thirteen (13) years and asked the Board to support funding the 5% increase for the block funding for the Fire and Rescue Volunteer Agencies. This increase is needed to continue operations and battle the inflation increases. This increase has been voted on by the County's Fire and Rescue Association and the Fire and Rescue Commission. He also mentioned the 990 forms and stated the IRS is behind at getting these posted online but most stations have a copy on hand.

Alan Casper, Banister District, also spoke on Fire and Rescue and asked the Board to support the increased funding. He thanked the Board for listening and challenged them to prove him wrong by doing the right thing for the volunteer Fire and Rescue Agencies.

Scott Burke, Westover District, shared his opposition on the RV park in the Vandola Community. He is concerned about public safety and the changing of the County's landscape, and he feels this RV park will place a tremendous burden on the surrounding Fire and Rescue Agencies. He stated policing of the park and access will be a danger to the community and he asked the Board to vote "no" to this.

Barbara Hancock, Callands-Gretna District, spoke against the COVID-19 vaccine.

Sandra Meyer, Chatham-Blairs District, spoke against the COVID-19 vaccine.

Arlene Pilcer, Callands-Gretna District, shared her concerns regarding the logging and tractor trailer trucks on Climax Road. She stated that on August 3, 2021, she had \$4,000 worth of property damage by a hit and run from a tractor trailer logging truck. She provided a timeline of events in attempting to get this issue resolved.

PUBLIC HEARINGS

Rezoning Public Hearings

Case 1: Public Hearing: Case R-22-026; Charles Thomas; Rezoning from R-1, Residential Suburban Subdivision District, to A-1, Agricultural District. The Planning Commission recommended, by an 8-0 vote, with opposition, that the Petitioner's request be granted (Supervisor Ingram).

In Case R-22-026, Charles Thomas ("Petitioner") has petitioned to rezone 13.4 acres from R-1, Residential Suburban Subdivision District, to A-1, Agricultural District (*to allow for a Class B Home Occupation*). The subject property is located on State Road 722/Oakwood Drive, in the Tunstall Election District, and shown on the Tax Maps as GPIN # 1368-28-8195. Once the property is rezoned to A-1, all uses listed under Pittsylvania County Code § 35-178 are permitted. On August 2, 2022, the Planning Commission recommended, by an 8-0 vote, with opposition, that the Petitioner's request be granted.

Ingram opened the Public Hearing at 8:25 PM. Charles Thomas and his daughter, Jordan Thomas, were present to represent the Petition. Bernie Jordan spoke in opposition of this rezoning and gave

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accounts of previous dog attacks. He stated his concern is safety for his children. Tammy Jordan also spoke in opposition of this rezoning and it being so close to her home. Her concerns were about dogs barking constantly and the possibility of the dogs getting out and potentially hurting her grandchildren. Ms. Thomas stated that she would have a barking deterrent device to control barking of the dogs and there will be a fence around the perimeter to eliminate the dogs escaping.

Ingram closed the Public Hearing at 8:47 PM.

Motion to approve the rezoning of 13.4 acres from R-1, Residential Suburban Subdivision District, to A-1, Agricultural District, to allow for a Class B Home Occupation.

Ingram called for a brief recess at 8:48 PM.

The Board returned from recess at 8:55 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ingram
SECONDER:	Dudley
AYES:	Ingram, Chesher, Dalton, Dudley, Searce, Warren

Case 2: Public Hearing: Case R-22-027; Ceasar Investment, LLC; Rezoning from R-1, Residential Suburban Subdivision District, to RPD, Residential Planned Unit Development District. The Planning Commission recommended, by an 8-0 vote, with no opposition, that the Petitioner's request be denied (Supervisor Barksdale).

In Case R-22-027, Ceasar Investments, LLC (“Petitioner”), has petitioned to rezone 11.21 acres from R-1, Residential Suburban Subdivision District, to RPD, Residential Planned Unit Development District (*to allow for multiple dwellings to be constructed on the property*). The subject property is located on State Road 792/Millstream Drive, in the Banister Election District, and shown on the Tax Maps as GPIN # 2530-49-4191. Once the property is rezoned to RPD, all uses listed under Pittsylvania County Code § 35-294 are permitted. On August 2, 2022, the Planning Commission recommended, by an 8-0 vote, with no opposition, that the Petitioner’s request be denied.

Ingram opened the Public Hearing at 8:56 PM. No one signed up to speak and Ingram closed the Public Hearing at 8:58 PM.

Motion to deny the rezoning of 11.21 acres from R-1, Residential Suburban Subdivision District, to RPD, Residential Planned Unit Development District, due to the inability at this location to meet VDOT’s entrance requirement for this type of development.

RESULT:	APPROVED [5 TO 1]
MOVER:	Ingram
SECONDER:	Dudley
AYES:	Ingram, Dalton, Dudley, Searce, Warren
NAYS:	Chesher

Other Public Hearings

1. Public Hearing: 2023 County Budget Amendments Approval (Staff Contact: Kimberly G. Van Der Hyde)

Virginia Code § 15.2-2507 states that “Any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget as prescribed by section 15.2-2504. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing a notice of a meeting and a public hearing once in a newspaper having general circulation in that locality at least seven days prior to the meeting date.” An advertisement of the County Budget Amendments, attached, appeared in the *Chatham Star Tribune* on August 31, 2022, which satisfies the seven (7)-day legal notice requirement.

Ingram opened the Public Hearing at 8:59 PM. Matt Hunt, Tunstall District, requested support of

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the Board regarding the Fire and Rescue Funding. Mike Neal, Dan River District, spoke on behalf of the Fire and Rescue Association. He stated that typically by August 10th of each year, the Fire Departments have received their first of three (3) annual payments of the year, and they still have not received that payment. He stated that all Agreements have not been signed by the Departments of the County and that could be the cause of the hold up. He stated that they have already run 2,100 calls since July 1st and that most departments went over their diesel cost by anywhere from \$3,000 - \$10,000. Kermit King Jr., Callands-Gretna District, thanked the Board for listening to all Fire and Rescue representatives tonight. He also asked for the Board's support regarding the Fire and Rescue appropriation.

Ingram closed the Public Hearing at 9:21 PM.

Motion to approve an appropriation of \$15,713,189.98 as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ingram
SECONDER:	Warren
AYES:	Ingram, Chesher, Dalton, Dudley, Scearce, Warren

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Hurt Partners Landfill Amended Tipping Fee Waiver Approval (Staff Contact: Matthew D. Rowe)

Due to intense prospect interest at the Southern Virginia Multimodal Park (“SVMP”) in Hurt, Virginia, Hurt Partners, LLC, the property owners, have agreed to proactively remove nonhazardous construction debris located onsite and dispose of the material at the County Landfill. This work is being done at Hurt Partners’ cost and is a significant cost savings to the Staunton River Regional Industrial Facility Authority (“SRRIFA”). Hurt Partners has requested that the Board waive the Landfill Tipping Fees associated with the cleanup at the property in a sign of partnership. The value of the County waiving its Landfill Tipping Fees would be reflected in the due-to-from contributions of SRRIFA. At the June Business Meeting, as a Consent Agenda item, the Board previously agreed to waive County Landfill Tipping Fees for Hurt Partners’ cleanup, with an estimated revenue value of \$82,000. Hurt Partners is now seeking an additional waiver of related County Landfill Tipping Fees.

Hurt Partners is funding and completing the cleanup of non-hazardous construction debris at the SVMP property. The County would be waiving additional future Landfill Tipping Fees with an estimated revenue value of \$164,000 (total, includes the previously waived County Landfill Tipping Fees of \$72,325.64).

Motion to approve waiving the additional future Landfill Tipping Fees for a total of no more than \$164,000, which includes the previously waived County Landfill Tipping Fees of \$72,325.64.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dudley
SECONDER:	Warren
AYES:	Ingram, Chesher, Dalton, Dudley, Scearce, Warren

b. Petition for Writ of Special Election Filing Approval (Staff Contact: J. Vaden Hunt, Esq.)

Virginia Code § 24.2-226 requires a governing body, within fifteen (15) days of the occurrence of a vacancy on the governing body, to petition the Circuit Court for its jurisdiction to issue a Writ of Special Election to fill the vacancy. Said Special Election is required to be held no later than the next General Election in November, unless the vacancy occurs within ninety (90) days of the next such General Election, in which event it shall be held promptly, but no later than the second such General Election. As the Board’s Banister Electoral District vacancy occurred on September 13, 2022, which is within ninety (90) days of November 8, 2022, the date of the next General Election, the Special Election cannot occur at that time and must occur on or before November 7,

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2023, the date of the second such General Election.

Ingram encouraged those who are registered voters in the Banister District, and who are interested in serving as the Banister District Representative until the end of 2023, visit the County's website and fill out the citizen interest form, come by the County Administration Office, or call, to submit a resume. McCluster will receive all interest forms and resumes and this will remain open until Tuesday, October 4, 2022, at 5:00 PM.

Motion to authorize the County Attorney to petition the Pittsylvania County Circuit Court to issue a Writ of Special Election for a Special Election to be held on November 7, 2023, to fill the Board's Banister Electoral District vacancy.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Warren
SECONDER:	Chesher
AYES:	Ingram, Chesher, Dalton, Dudley, Searce, Warren

c. Public Safety Appropriation

Van Der Hyde stated that she was able to identify some monies that were available to be used instead of using the FY23 funding that has been placed in the Contingency Budget, for Public Safety items. One was to move the EMS call amount from \$15 to \$25, which totaled \$77,500, based on the call volume they have now. The other portion was \$97,000 to increase the base amount for the matrix, which varied from agency to agency.

Warren clarified that there was no Fire and Rescue Department that had any carryover money. He also applauded the agencies who have already signed the Agreement and stated he would like for them to get their money right away. He stated that he supports Fire and Rescue, but it is time to put petty politics aside, and that he will be voting no to this item tonight.

Searce stated he will vote no on this issue also and it comes down to transparency and accountability, and until those protocols are put back in place he will not vote for any extra funding for Fire and Rescue. He stated they have a responsibility to the citizens of the County to be able to show where the funding goes.

Dalton stated he agrees and disagrees with some of the comments made tonight. He stated he could never thank the volunteers enough for the time they put in for the County. He just voted to support \$164,000 for a tipping fee and he doesn't have an issue with voting for \$97,000.

Warren stated on the \$164,000 there is no lost revenue on that, just the space. He agreed that, if there is an emergency where Fire and Rescue is needed, he would want them to show up, but he would also like for the Sheriff's Department to show up if there was a break in or such; and all their costs have increased also. The Contingency Funds were because all the other Departments did not spend their money and there was some left over.

Ingram stated that the County has never failed an audit, and he agreed that being held accountable is very important. He feels that you cannot put a price on the Fire and Rescue volunteers that must leave their homes to serve the community. He supports this item, and he respects his colleagues decisions.

Warren asked Van Der Hyde if the County audits dive into the reporting side of things, and she stated that it is just our side of the audit.

Motion to approve the EMS call increase in the amount of \$77,500 and the base amount for the matrix at \$97,000.

RESULT:	DEFEATED [3 TO 3]
MOVER:	Ingram
SECONDER:	Dalton
AYES:	Ingram, Chesher, Dalton
NAYS:	Dudley, Searce, Warren

MATTERS FROM WORK SESSION (IF ANY)

a. Appointment of Interim County Administrator

Motion to appoint J. Vaden Hunt, Esq., as Interim County Administrator, effective September 22 2022, at a rate of pay equal to the current Interim County Administrator for a ninety (90) day term, with all powers established by the State Code and County as a County Administrator. The ninety (90) days could be cut short, if permanent replacement was hired before the ninety (90) days.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Warren
SECONDER:	Dudley
AYES:	Ingram, Chesher, Dalton, Dudley, Searce, Warren

b. Finance Committee Recommendations

Motion to approve the Finance Committee Recommendations as presented, including the following:

- Approval of a total of forty percent (40%), which is \$40,000, of DCC's CDL truck simulator be paid for by the County, and this would come from the contingency budget and would be contingent on the other participating localities paying their share;
- Approval of full time Clerk's Office position with a starting salary of \$36,000; to move a total of \$48,934 (including benefits) from Contingency Budget for this position;
- Reallocation of \$965,000 of ARPA funds that were previously allocated to the Robin Court waterline extension to the Horseshoe Road waterline extension, for a total of \$1,838,382 specifically for the Horseshoe Road Project;
- Award contract to Classic City Mechanical, Inc., for the Horseshoe Road Waterline Extension Project in the amount of \$2,045,894; and
- Approval of Capital Improvement Projects and Economic Development funds as presented in the Finance Committee Meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ingram
SECONDER:	Warren
AYES:	Ingram, Chesher, Dalton, Dudley, Searce, Warren

c. Shell Building Moral Obligation Agreement

Warren stated the Board had received confirmation on some items there were questions about from Ken Larking, Danville City Manager.

Motion to approve the Moral Obligation Agreement.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Warren
SECONDER:	Dudley
AYES:	Ingram, Chesher, Dalton, Dudley, Searce, Warren

MORAL OBLIGATION SUPPORT AGREEMENT OF
THE COUNTY OF PITTSYLVANIA

THIS MORAL OBLIGATION SUPPORT AGREEMENT (this "**Moral Obligation Agreement**") made as of the 20th day of September 2022, by and between the COUNTY OF PITTSYLVANIA, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "**County**"), and the INDUSTRIAL DEVELOPMENT AUTHORITY OF PITTSYLVANIA COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "**Authority**"), to- wit:

Background

- A. The Authority was created under the Industrial Development and Revenue Bond Act (§15.2-4900 et seq.) of the Code of Virginia of 1950, as amended (the "**Code**") to promote development, industry and trade.
- B. In an effort to promote development, trade, and the local economy, the Authority is partnering with the Industrial Development Authority of Danville, Virginia (the "**City Authority**") to construct a 30,000 square foot shell building on property commonly referred to as Lot 10B in the Cyber Park located at 120 Slayton Avenue, Danville, VA (Tax Parcel ID 78359) (the "**Project**").
- C. The Authority has obtained a commitment from Virginia Community Capital ("**Virginia Community Capital**") to finance up to Two Million Eight Hundred Seventy- Five Thousand and 00/100 Dollars 2,875,000. 00) (the "**Loan**") of the projected costs of the Project, and such Loan will be secured by a pledge of the revenues and receipts received by the Authority from payments made by the County pursuant to this Moral Obligation Agreement and by the revenues and receipts received by the City Authority pursuant to a Moral Obligation Agreement (the "**City Moral Obligation Agreement**") between the City Authority and the City of Danville, Virginia (the "**City**").
- D. Virginia Community Capital requires that the County and the Authority enter into this Moral Obligation Agreement as a condition of making the Loan, in addition to requiring the City and the City Authority to enter into the City Moral Obligation Agreement.
- E. As used herein, the term "**Payments Due**" shall mean one-half (1/2) of all monthly payments of principal and interest due, as well as one-half (1/2) of any other amounts due to Virginia Community Capital, under the terms of the agreements, notes, bonds, instruments and other documents setting forth the provisions of and related to the Loan (collectively, the "**Loan Documents**").
- F. Section 15.2-953 of the Code provides that any locality may appropriate money to an industrial development authority for the purpose of promoting economic development.

Agreement

NOW, THEREFORE, for and in consideration of the covenants and the mutual benefit to be derived therefrom and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The Authority, in consultation with the County, will determine, prior to closing of the Loan and, as part of its budget process, by April 30th prior to each subsequent fiscal year that this Moral Obligation Agreement is in effect, those portions of the Payments Due in such fiscal year which the Authority will not be able to pay from revenues and receipts associated with the Project, its revenues and receipts generally, or other funds of the Authority available to make Payments Due, for purposes of determining the amounts to be requested from, and paid (subject to the limitation of Section 6) by, the County for the County's immediately succeeding fiscal year such that Payments Due can be made by the Authority during such fiscal year to Virginia Community Capital (the "**Appropriated Sums**"). Further upon such determination, the Authority shall provide notice of such Appropriated Sums requested by the Authority in connection with the Project to the County Board of Supervisors (the "**Notice**"). The County Administrator shall include the Appropriated Sums requested by the Authority in the budget submitted to the Board of Supervisors of the County (the "**Board of Supervisors**") for the following fiscal year as an amount to be appropriated to or on behalf of the Authority. The County Administrator shall deliver to the Chairman of the Authority within ten (10) days after the adoption of the County's budget for each fiscal year, but not later than July 15th of each year, a certificate (the "**County Certificate**") stating whether the Board of Supervisors has appropriated to or on behalf of the Authority the Appropriated Sums requested. The County shall deliver a copy of the County Certificate to Virginia Community Capital concurrent with the delivery to the Chairman of the Authority.

2. Subject to the limitation of Section 6, the County shall make payment to the Authority or the Authority's assignee of all Appropriated Sums. In the event of an acceleration of the Loan in accordance with the Loan Documents, the County agrees to pay, subject to the limitation of Section 6, an amount equal to all Payments Due that are payable or to become payable under this Moral Obligation Agreement. Appropriated Sums and Payments Due, as the case may be under this Section 2, shall be payable in a timely manner, without notice or demand, in accordance with the Loan Documents

3. The Authority and the County acknowledge and agree that this Moral Obligation Agreement and all payments and rights hereunder (except the rights of the Authority to receive notices) will be assigned as part of an assignment agreement to be executed by the Authority in favor of Virginia Community Capital in connection with the Loan. The County consents to such assignment and agrees to pay to Virginia Community Capital all amounts payable by the County that are so assigned at the principal corporate office of Virginia Community Capital, or such other address as Virginia Community Capital may direct.

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4. Except as otherwise provided in this Moral Obligation Agreement, including the limitation in Section 6, the obligations of the County to make all payments and to observe all other covenants, conditions and agreements hereunder shall be absolute and unconditional, irrespective of any right of setoff, recoupment or counterclaim the County may otherwise have, and the County shall not suspend or discontinue any such payments or fail to observe and perform any of its covenants, conditions and agreements hereunder.

5. While recognizing that it is not empowered to make any binding commitment to pay Appropriated Sums or make Payments Due beyond the current fiscal year, the Board of Supervisors in authorizing the execution of this Moral Obligation Agreement has stated its intent to make annual appropriations sufficient to pay Appropriated Sums or make Payments Due, as the case may be, and as such it is hereby recognized by the parties hereto that this Moral Obligation Agreement, to the extent permitted by law, creates strictly a moral obligation of the County to pay such amounts.

6. Notwithstanding anything in this Moral Obligation Agreement to the contrary, the County's obligations to pay the cost of performing its obligations under this Moral Obligation Agreement, including its obligations to pay Appropriated Sums and make all Payments Due, as the case may be, shall be subject to and dependent upon appropriations being made from time to time by the Board of Supervisors for such purpose; provided, however, that the County Administrator or other officer charged with the responsibility for preparing the County's annual budget shall include in the budget for each fiscal year of the County as a single appropriation the amount of all Appropriated Sums and Payments Due, as the case may be, to be paid by the County during such fiscal year.

7. Throughout the term of this Moral Obligation Agreement, the County Administrator or other officer charged with the responsibility for preparing the County's annual budget shall deliver to the Authority and Virginia Community Capital within ten (10) days after the adoption of the County's annual budget for each fiscal year, but not later than the beginning of each such fiscal year, a certificate stating whether an amount equal to the Appropriated Sums and Payments Due, as the case may be, which will come due during such fiscal year has been appropriated by the Board of Supervisors in such budget. If, by the beginning of such fiscal year, the Board of Supervisors has not appropriated funds for the payment of Appropriated Sums or Payments Due, as the case may be, coming due for the then current fiscal year, the County Administrator or other officer charged with the responsibility for preparing the County's Annual Budget shall give written notice to the Board of Supervisors of the consequences of such failure to appropriate, including, among others, the right of Virginia Community Capital to accelerate Payments Due in accordance with the Loan Documents, and request the Board of Supervisors to make a supplemental appropriation for such purposes.

8. If at any time the Appropriated Sums as determined pursuant to Section 1 are insufficient to make payments of the Authority's portion of principal and interest due under the Loan Documents, the Authority (or Virginia Community Capital as assignee of the Authority) shall notify the County Administrator (or other officer charged with the responsibility for preparing the County's Annual Budget) of the amount of such insufficiency, and the County Administrator shall submit to the Board of Supervisors at its next regularly scheduled meeting or

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as promptly as practicable, but in any event within forty five (45) days, a request for a supplemental appropriation in the amount necessary to cover such insufficiency.

9. Virginia Community Capital, by executing the Receipt and Acknowledgement below, agrees to apply any funds so appropriated and paid to it by the County pursuant to this Moral Obligation Agreement toward the Authority's obligations under the Loan Documents in accordance with the terms of the Loan Documents.

10. The Board of Supervisors hereby undertakes a non-binding obligation to appropriate such amounts as may be requested from time to time pursuant to Sections 5, 7 and 8 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations, as may be necessary, consistent with this Agreement.

11. Nothing herein contained is or shall be deemed to be a lending of the credit of the County to Virginia Community Capital, the Authority, the City, the City Authority, the Project or to any other person or entity (unless specifically set forth otherwise), and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County, nor shall anything herein contained legally bind or obligate the Board of Supervisors to appropriate funds for the purposes described herein.

12. Any notices or requests required to be given hereunder shall be deemed given if hand-delivered or sent by registered or certified mail, postage prepaid, addressed as follows:

If to the County: County of Pittsylvania, Virginia
1 Center Street
P. O. Box 426
Chatham, VA 24531
Attention: County Administrator

With a copy to: The County Attorney's Office
1 Center Street
P. O. Box 426
Chatham, VA 24541

If to the Authority: Industrial Development Authority of Pittsylvania County, Virginia
c/o Director of Economic Development
1 Center Street
P.O. Box 426
Chatham, Virginia 24531

With a Copy to: County Attorney
1 Center Street
P. O. Box 426

Chatham, Virginia 24531

If to Virginia
Community Capital:

Virginia Community Capital
110 Peppers Ferry Road NW
Christiansburg, VA 24073
Attention: Cindy Snider, AVP,
Small Business Loan Officer

13. If any clause, provision, or paragraph of this Agreement shall be held illegal or invalid by a court, the illegality or invalidity of such clause, provision, or paragraph shall not affect any of the remaining clauses, provisions, or paragraphs hereof, and this Agreement shall be construed and enforced as if such illegal or invalid clause, provision, or paragraph had not been contained herein. In case any question should arise as to whether any provision contained herein shall be in violation of law, then such provision shall be construed to be the agreement of the parties hereto to the full extent permitted by law.

14. This Agreement and the performance thereof shall be governed by and enforced under the laws of the Commonwealth of Virginia, and if legal action by either party is necessary for or with respect to the enforcement of any or all of the terms and conditions hereof, then exclusive venue therefore shall lie in the City of Danville, Virginia, as the location of the Project.

15. This Moral Obligation Agreement supersedes all prior understandings and agreements of the parties with respect to the subject matter hereof and contains the entire agreement and understanding of the parties in connection with the transactions contemplated hereby.

[SIGNATURE PAGE FOLLOWS]

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IN WITNESS WHEREOF, the County and the Authority have caused this Moral Obligation Agreement to be executed in their names and on their behalf by their duly authorized representatives, all as of the date first above written.



(SEAL)

COUNTY OF PITTSYLVANIA, VIRGINIA

By:

Name:

Title:

[Handwritten Signature]
WILLIAM J. TIGRAN
CHAIRMAN BOARD OF SUPERVISORS

Attest:

Clerk

[Handwritten Signature]

**INDUSTRIAL DEVELOPMENT AUTHORITY OF
DANVILLE, VIRGINIA**

By:

Name:

Title:

(SEAL)

Attest:

Secretary

RECEIPT AND ACKNOWLEDGEMENT

Receipt of the foregoing original counterpart of the Moral Obligation Support Agreement dated as of _____, 2022, between the County of Pittsylvania, Virginia, and the Industrial Development Authority of Pittsylvania County, Virginia, is hereby acknowledged.

VIRGINIA COMMUNITY CAPITAL

**By:
Name:
Title:**

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BOARD MEMBER REPORTS

Chesher thanked everyone for being in attendance.

Dudley thanked everyone for coming out. He wished Monday well and thanked Barksdale for his service to the County.

Dalton echoed remarks about Barksdale and thanked him for his service to the County. He also thanked Monday for stepping up and helping the County, and he thanked everyone for coming out to the Meeting.

Scarce thanked the residents from the Vandola Community for coming out to the Meeting. He also thanked the Board, especially Ingram, for approving the Horseshoe Road upgrade for the water system.

Warren echoed comments about Barksdale and stated he enjoyed serving with him for five (5) years. He also thanked all County Staff, especially Van Der Hyde, for all of the hard work in preparing the financial information for the Board. He thanked Monday for his service to the

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County and thanked Hunt for his willingness to step up for the Interim County Administrator position.

Ingram stated that September 26th is National Law Enforcement Suicide Day, and he has had his own experience with suicides. This day is to raise awareness about suicide in law enforcement, and to remind officers and their families that they are not alone. He thanked Tuite for all of her wonderful work during her time at the Library, and he also recognized “Funky Fleece Farm” for their RevUp award through the Chamber. He then recognized McCluster for recently being awarded the Young Professionals PACE Award from the Chamber of Commerce. Ingram thanked Monday for Interim work with the County, and he also recognized Barksdale for his service and stated that he will be missed.

ADJOURNMENT

Ingram adjourned the Meeting at 10:12 PM.

William “Vic” Ingram, Chairman
Pittsylvania County Board of Supervisors

Clarence C. Monday, Interim County Administrator
Pittsylvania County Board of Supervisors