

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

October 9, 2018

The Regular Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority convened at 12:10 p.m. on the above date at the Institute for Advanced Learning and Research, 150 Slayton Drive, Room 206, Danville, Virginia. Present were City of Danville Members Fred O. Shanks, III and Alternate J. Lee Vogler; Vice Chairman Sherman M. Saunders was absent. Pittsylvania County Members present were Ronald S. Searce and Alternate Elton W. Blackstock; Chairman Robert W. Warren, was absent.

City/County staff members attending were: Danville City Manager Ken Larking, City of Danville Director of Economic Development Telly Tucker, Assistant Director of Economic Development Corrie Teague Bobe, Project Manager Kelvin Perry, Pittsylvania County Director of Economic Development Matt Rowe, Assistant County Administrator for Planning & Development Gregory Sides, City of Danville Director of Finance Michael Adkins, City of Danville Senior Accountant Henrietta Weaver, Clement Wheatley Attorney Michael Guanzon and Secretary to the Authority Susan DeMasi. Also present were Brian Bradner and Shawn Harden from Dewberry & Davis.

Secretary to the Authority, Susan DeMasi called the Meeting to order.

**RIFA ELECTION FOR TEMPORARY PRESIDING OFFICER**

Ms. DeMasi noted that neither the Chairman nor the Vice Chairman were present for this meeting. Accordingly, paragraph 5(a) of Article XI ("Officers") of the Bylaws provides that the Secretary is to conduct an election for the appointment of a temporary presiding officer for this meeting.

The floor was opened to nominations. Mr. Blackstock **nominated** Mr. Shanks as Temporary Presiding Officer; the Motion was **seconded** by Mr. Searce and carried by the following vote:

VOTE: 4-0  
AYE: Searce, Blackstock, Shanks and Vogler (4)  
NAY: None (0)

Mr. Shanks presided.

**PUBLIC COMMENT PERIOD**

No one desired to be heard.

**APPROVAL OF MINUTES FOR THE SEPTEMBER 10, 2018 MEETING AND THE SEPTEMBER 14, 2018 SPECIAL MEETING**

Upon **Motion** by Mr. Searce and **second** by Mr. Vogler, Minutes of the September 10, 2018 Meeting and September 14, 2018 Special Meeting were approved as presented. Draft copies had been distributed to Authority Members prior to the Meeting.

**NEW BUSINESS**

**5A. – CONSIDERATION OF RESOLUTION NO. 2018-10-09-5A APPROVING AMENDMENT NO. 22 RELATED TO THE MEGA PARK MASTER PLAN**

Brian Bradner from Dewberry explained the next step in the development of the connector road was to begin and complete the required NEPA environmental study. Funds have been

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secured for that study through the Tobacco Commission and also through a VEDP MEI Grant. This proposal includes two things: one, in coordination with staff, they will solicit from qualified firms that have a focus on NEPA, particularly those with experience with VDOT in this region, to help RIFA through this process. Once that is completed, the next step is to have a detailed scoping meeting with VDOT and the Federal Highway Administration. At that meeting, the defined scope of what will be studied in the NEPA process will be defined; Dewberry will come back to RIFA with that detailed process.

Mr. Vogler **moved** for adoption of *Resolution No. 2018-10-09-5A, approving Amendment No. 22, dated October 1, 2018, to Contract dated February 9, 2009, Engineering Services related to the Mega Park Master Plan, (i) to prepare a Request for Proposals (RFP) to solicit qualifications from consultants to assist in preparing a National Environmental Policy Act (NEPA) study and supporting studies for a connector road (U.S. 311) to service the Authority's Southern Virginia Mega Site at Berry Hill project located in Pittsylvania County, Virginia, (ii) to evaluate submissions and (iii) to make a recommendation to the Authority's staff, for a lump sum fee of \$4,500.*

The Motion was **seconded** by Mr. Scarce and **carried** by the following vote:

VOTE: 4-0  
AYE: Scarce, Blackstock, Shanks and Vogler (4)  
NAY: None (0)

**5B. FINANCIAL STATUS REPORT AS OF SEPTEMBER 30, 2018**

Authority Treasurer Michael Adkins gave the Financial Status report as of September 30, 2018 beginning with the Cane Creek Bonds showing no activity for the month of September. General Expenditures for FY 2019 show \$1,440 to Real Estate Consultants of Virginia for the Value Opinion on the Berry Hill acreage, \$14,351 to ADS for the helipad, \$230 for meals and \$31 for monthly utilities. Funding Other than Bonds for Berry Hill show no activity for September, Lot 4 Site Development at Berry Hill shows \$40,500 to Dewberry for the Phase 1 Pad Expansion Work, Lot 8 Site Development shows no activity and Water and Sewer at Berry Hill shows \$11,902 to Dewberry for Amendment #17. Staff has also started requesting local funding related to Tobacco Commission Grant #3011 and have received \$12,080 from Pittsylvania County; the City's equal portion will be forthcoming soon. Rent, Interest and Other Income for September shows \$439 in Interest Income and \$11,370 paid to the Institute for the Hawkins' Building Management Fee; their rent was received in August.

Mr. Vogler **moved** to accept the Financial Report as presented. The Motion was **seconded** by Mr. Scarce and carried by the following vote:

VOTE: 4-0  
AYE: Scarce, Blackstock, Shanks and Vogler (4)  
NAY: None (0)

**6. CLOSED SESSION**

*[During the closed session, all matters discussed shall involve receiving advice from legal counsel, and as such all communications during the closed session shall be considered attorney-client privileged.]*

At 12:17 p.m. Mr. Blackstock **moved** that the Meeting of the Danville-Pittsylvania Regional

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Industrial Facility Authority be recessed in a Closed Meeting for the following purposes:

A. As permitted by Section 2.2-3711(A)(5) of the Code of Virginia, 1950, as amended ("Virginia Code"), for discussion concerning one or more prospective businesses where no previous announcement has been made of that business's interest in locating its facilities in one or more of the Authority's projects located in Pittsylvania County, Virginia, and/or Danville, Virginia;

B. As permitted by Virginia Code § 2.2-3711(A)(39) for discussion or consideration of records excluded under Virginia Code § 2.2-3705.6(3) (including without limitation (i) those certain confidential proprietary records voluntarily provided by private business pursuant to a promise of confidentiality from the Authority, and used by the Authority for business and trade development and (ii) those certain memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by the Authority, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the Authority); such information being excluded from mandatory disclosure under Virginia Code §2.2-3705.1(12) (information relating to the negotiation and award of a specific contract pertaining to the Authority's Berry Hill Mega Site project where competition or bargaining is involved and where the release of such information would adversely affect the bargaining power or negotiating strategy of the Authority) and Virginia Code § 2.2-3705.1(8) (appraisals and cost estimates of real property in the Authority's Berry Hill Mega Site project subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease); and

C. As permitted by Virginia Code §§ 2.2-3711(A)(3) for discussion or consideration of the acquisition and/or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Authority.

The Motion was **seconded** by Mr. Vogler and carried by the following vote:

VOTE: 4-0  
AYE: Scearce, Blackstock, Shanks and Vogler (4)  
NAY: None (0)

D. On **Motion** by Mr. Blackstock and **second** by Mr. Scearce and by unanimous vote at 1:21 p.m., the Authority returned to open meeting.

E. Mr. Scearce **moved** for adoption of the following Resolution:

WHEREAS, the Authority convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia, 1950, as amended, requires a Certification by the Authority that such Closed Meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted by the open meeting requirements of Virginia Law were discussed in the Closed Meeting to which this Certification Resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered by the Authority.

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The Motion was **seconded** by Mr. Vogler and carried by the following vote:

VOTE: 4-0

AYE: Scearce, Blackstock, Shanks and Vogler (4)

NAY: None (0)

**7. COMMUNICATIONS**

Mr. Blackstock thanked staff for their continued work.

Shawn Harden from Dewberry noted several meetings ago, the Board approved Dewberry to re-look at the wetlands at Berry Hill. The Corp went out last week and were able to eliminate a substantial section of wetlands that will allow them to defer to that pad as they wanted to. Mr. Harden explained when they told them the site conditions had changed from being clear cut to having trees growing on it, they expressed interest in re-looking at it.

Mr. Guanzon noted, to confirm, there will be a quorum for the November 12<sup>th</sup> RIFA meeting; he has noted as being available Mr. Scearce, Mr. Saunders, Mr. Shanks and Mr. Vogler. For a quorum, there needs to be three total members with at least one City member and one County member. The reason staff asked was because of the VACO conference which would be during that time. Mr. Blackstock noted he would be available.

Meeting adjourned at 1:24 p.m.

s/Robert W. Warren  
Chairman

s/Susan M. DeMasi  
Secretary to the Authority