

Danville-Pittsylvania Regional Industrial Facility Authority
Minutes
November 10, 2010

The Regular Meeting of the Danville Pittsylvania Regional Industrial Facility Authority convened at 12 o'clock Noon on the above date at the Dan River Business Development Center located at 300 Ringgold Industrial Parkway. Present were City of Danville Members Chairman Sherman Saunders and David Luther and Pittsylvania County Members Vice Chairman Coy Harville and Hank Davis (4). Alternates Fred Ingram and Fred Shanks was absent (2).

City/County staff members attending were: Danville City Manager Joe King, Pittsylvania County Administrator Dan Sleeper, Pittsylvania County Assistant Administrator Otis Hawker, Pittsylvania County Assistant Administrator for Planning Greg Sides, Danville Finance Director/Authority Treasurer Barbara Dameron, Pittsylvania County Finance Director Kim Van der Hyde, Danville Senior Accountant Patricia Knutti, Danville Economic Development Director Jeremy Stratton, Pittsylvania County Economic Development Director Ken Bowman, Danville Economic Development Consultant Linwood Wright, Danville City Attorney Clarke Whitfield, Clement and Wheatley Attorneys Michael Guanzon and Andrew Stockment, and Secretary to the Authority Annette Crane.

Also present were Dewberry and Davis Project Manager Shawn Harden and citizens Barbara Hudson and Nancy B. Smith.

Chairman Saunders called the Meeting to order.

PUBLIC COMMENT PERIOD

There were no public comments from citizens.

APPROVAL OF OCTOBER 12, 2010 MINUTES

Upon **Motion** by Mr. Luther and second by Mr. Harville, Minutes of the October 12, 2010 meeting were approved by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Luther and Saunders (4)
NAY: None (0).

Draft copies of the Minutes were distributed to Authority Members prior to the meeting.

APPROVE RESOLUTION CONVEYING 0.187 ACRES TO KENNETH HAWKINS ET ALS

Mr. Davis **moved** adoption of a Resolution approving the conveyance to Kenneth D. Hawkins and Teresia E. Hawkins fee simple title to 0.187 acres, being a portion of the Authority's property located in Pittsylvania County, Virginia, designated as PIN:1367-41-3134, in exchange for a 30' access easement across adjacent property of Kenneth D. Hawkins and Teresia E. Hawkins, designated as PIN:1367-44-9666. The Motion was seconded by Mr. Harville and carried by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Luther and Saunders (4)

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NAY: None (0).

APPLY FOR MEGASITE GRANT PROGRAM TO TOBACCO COMMISSION FOR WORK AT BERRY HILL REGIONAL MEGA PARK

Mr. Harville **moved** adoption of a Resolution authorizing the submission of an application under the Special Projects – Megasite Grant Program to the Tobacco Indemnification and Community Revitalization Commission for work at the Berry Hill Regional Mega Park and authorizing the Chairman and/or the Vice Chairman to execute all necessary documents pertaining thereto. The Motion was seconded by Mr. Luther and carried by the following vote:

VOTE: 4-0

AYE: Davis, Harville, Luther and Saunders (4)

NAY: None (0).

TRANSFER LOT 1 AT CANE CREEK CENTRE TO GREEN ENERGY CORPORATION

Mr. Davis **moved** to approve the transfer of Lot 1 (59 acres) of the Cane Creek Industrial Park to U. S. Green Energy Corporation for the construction of a 40,000, +-square foot manufacturing facility.

Mr. Luther seconded the Motion.

Danville Economic Development Director Jeremy Stratton introduced U. S. Green Energy Corporation Vice President Corporate Development Bob Bennett. Mr. Bennett introduced Green Energy partner Karim Salehmohammed. Mr. Bennett reported that Lot #1 was a very good site for the business. The existing facility needed to be upgraded substantially to be able to hold the load that the company intends to put on the building and company officials are considering the construction of a new building. The entire facility would be 5 megawatt solarized facility. The building would be oriented from east to west along the rail spur. The timetable, once the land transfer had been taken place, is that grading would take place in December and steel would be erected in January.

In response to Mr. Harville, Mr. Bennett advised the building would need thirty-two additional columns inside the building in order to accommodate the company's requirements for operation.

Attorney Michael Guanzon advised there were some comments that were necessary from legal counsel on this matter and said they needed to be discussed in Closed Meeting. He recommended delaying any action until the issue had been discussed in Closed Meeting.

Mr. Davis, with the consent of Mr. Luther, withdrew his Motion.

PLANT TREE BUFFER UTILIZING BOND FUNDS-YORKTOWNE CABINETRY

Mr. Harville **moved** to approve a request to utilize bond funds to finance the planting of a noise-reducing tree buffer between Yorktowne Cabinetry Company and the neighboring residences. The Motion was seconded by Mr. Davis and carried by the following vote:

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VOTE: 4-0
AYE: Davis, Harville, Luther and Saunders (4)
NAY: None (0).

APPROVE GRANTS MANAGEMENT PLAN - EDA PROJECT-LOTS 3 & 9 CANE CREEK

Mr. Harville **moved** approval of the Grants Management Plan for the Economic Development Authority Project, in order to proceed with grading, clearing, and utility installations for Lot 3 and Lot 9 of the Cane Creek Industrial Park.

Mr. Davis seconded the Motion.

Mr. Luther called attention to page 2 of the plan document that incorrectly listed Michael Guanzon as legal counsel for the City of Danville. Mr. Luther said Mr. Guanzon was legal counsel for RIFA.

Mr. Harville restated his Motion to include that correction to the document.

The restated Motion was seconded by Mr. Davis and carried by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Luther and Saunders (4)
NAY: None (0).

MONTHLY FINANCIAL REPORT

Danville Finance Director Barbara Dameron noted the Financial Report contained three new reports, namely, a Statement of Net Assets, a Statement of Revenues and Expenses and Changes in Fund Net Assets, and a Statement of Cash Flows. There were no questions or comments from Authority Members.

CLOSED MEETING

At 12:37 P.M., Mr. Saunders recognized Mr. Davis who **moved** the meeting be recessed and the Authority immediately convene in Closed Meeting for the purpose of consultation with and briefings by legal counsel pertaining to actual litigation regarding *Nancy Barbour Smith, et al, v. Pittsylvania County Board of Supervisors* (Case No. CL10000088-00), where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Authority, as permitted by Subsection (A) (7) of Section 2.2-3711 of the Code of Virginia, 1950, as amended, and, discussion or consideration of the disposition of Lot 1 (59 acres) of the Cane Creek Industrial Park to U. S. Green Energy Corporation for the construction of a 40,000 +- square foot manufacturing facility, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Authority, pursuant to Virginia Code Subsection (A) (3) of Section 2.2-3711 of the Code of Virginia, 1950, as amended. The Motion was seconded by Mr. Harville and carried by the following vote:

VOTE: 4-0

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AYE: Davis, Harville, Luther, and Saunders (4)
NAY: None (0).

Upon unanimous vote at 1:07 P.M., the Authority returned to open meeting and Mr. Harville **moved** 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 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.

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

VOTE: 4-0
AYE: Davis, Harville, Luther, and Saunders (4)
NAY: None (0).

COMMUNICATIONS

Mr. Harville reported the water line to the Berry Hill Mega Park was 54% complete.

The Meeting adjourned at 1:08 P.M.

Chairman

Secretary to the Authority