

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

March 13, 2023

A Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority convened at 12:07 p.m. on the above date at the Institute for Advanced Learning and Research, 150 Slayton Avenue, Room 206, Danville, Virginia. Present were City of Danville Members Chairman J. Lee Vogler, Jr., Sherman M. Saunders, and Alternate Dr. Gary P. Miller. Pittsylvania County Members present were Vice Chairman William V. Ingram, Robert Tucker and Alternate Darrell Dalton.

City/County staff members attending were: City Manager Ken Larking, Deputy City Manager Earl Reynolds, Interim County Administrator J. Vaden Hunt, City of Danville Chief Financial Officer Michael Adkins, City of Danville Accountant Tiffany Swanson-Jones, Pittsylvania County Director of Finance Kim Van Der Hyde, City of Danville Director of Economic Development Corrie Bobe, Pittsylvania County Director of Economic Development Matt Rowe, Pittsylvania County Project Manager Kattie Saunders, City of Danville Zoning Administrator Renee Burton, Legal Counsel to the Authority Attorney Michael C. Guanzon, and Secretary to the Authority Susan DeMasi. Also present were Shawn Harden and Brian Bradner from Dewberry, Linda Green from SVRA, and citizen Ken Bowman.

Chairman J. Lee Vogler, Jr., presided.

PUBLIC COMMENT PERIOD

Chairman Vogler recognized Ken Bowman who thanked the Board for letting him present his talking points last month, and he noticed in the minutes they were not attached; he spoke with the secretary who explained they were draft minutes, and the Board would get the comments. Mr. Bowman noted he would like a response back by at least the next meeting so he could see what the status was on those three. Mr. Bowman also thanked the Chairman for coming to a meeting this past week, speaking to the group of citizens in Chatham. Mr. Vogler stated the next agenda item was the approval of minutes from that meeting and Mr. Bowman was saying that within the minutes it did not include his remarks; Secretary to the Authority noted she would attach the comments to the minutes and that was what the Board would approve.

APPROVAL OF MINUTES OF THE FEBRUARY 13, 2023 REGULAR MEETING

Upon **Motion** by Mr. Tucker and **second** by Mr. Ingram, Minutes of the February 13, 2023 Regular Meeting, were approved as presented. Draft copies had been distributed to Authority Members prior to the Meeting.

NEW BUSINESS

5A. CONSIDERATION OF RESOLUTION NO. 2023-03-13-5A APPROVING THE PROPOSED BUILDING IMPROVEMENTS AT 120 SLAYTON AVENUE

City of Danville Zoning Administrator, Renee Burton, explained she did a review of the Covenants for the exterior which was before the Board for approval. It shows EFIS panels, which were not generally acceptable materials, however, the review committee can still approve those if they choose. The rest of the items were brick and metal; metal, although not generally accepted in the Covenants, has been reviewed and accepted before. The EFIS was the only thing new and that was what was before the Board today if they choose to accept that material. Mr. Vogler asked if this was the kind of recommended ascetic for Economic

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Development and Ms. Bobe noted it was. It was fashioned very much after materials used in the surrounding buildings on the Institute's campus, such as Kyocera.

Mr. Saunders **moved** for adoption of *Resolution No. 2023-03-13-5A, approving the proposed building improvements to that certain part or parcel (PIN 78359), more commonly known as 120 Slayton Avenue, in the Authority's Cyber Park project located in Danville, Virginia, for the 30,000 square feet shell building. [No written Resolution.]*

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

VOTE: 4-0
AYE: Ingram, Tucker, Saunders, Vogler (4)
NAY: None (0)

5E. FINANCIAL STATUS REPORT AS OF FEBRUARY 28, 2023

Authority Treasurer Michael Adkins gave the Financial Status report as of February 28, 2023 starting with the \$7.3M Bonds for Cane Creek, which had no activity. Under General Expenditures for this fiscal year, RIFA paid Sellars Brothers \$4,512.50, legal expenses of \$12,474.50 to Christian & Barton, the installment payment on the annual audit of Brown Edwards of \$10,000, and RIFA also reimbursed the County and City for marketing expenses primarily related to Berry Hill; each locality received \$19,779.51. The monthly invoice for meals was \$635.80 and monthly utilities to the City of Danville were \$155.85. Under Funding Other than Bonds for Berry Hill, staff added an encumbrance for Amendment #35 with Dewberry of \$705,000; that was being funded with the VEDP grant. In addition to that, there was a payment to Dewberry for the ALTA Survey of \$21,950.00. Lot 4 Site Development had a check to Haymes Brothers in the amount of \$21,433.34; this was for the nineteenth payment for Lot 4. Lots 1 and 2 had a check to Dewberry Engineers for \$12,500.00 for work done under Amendment #30. Water and Sewer at Berry Hill had no expenditures for February, and Cyber Park Site Development had a check to Sellars Brothers for \$63,779.20 for work related to the grading of Lot 7B. Rent, Interest and Other Income show RIFA received the monthly rent from the Institute for the Hawkins' Building of \$21,846.50, the monthly payment of \$1,500 for storage rent from AEP and the money market interest for the month was \$158.57. Mr. Adkins noted on the interest, staff reached out to American National now that interest rates were quite a bit more than they were in the previous year, and renegotiated that interest rate on the money market accounts; they should see a substantial change in that next month. Under Miscellaneous Income, RIFA received five payments from Hopkins Lumber for the timber sales at Berry Hill for the month of February totaling \$168,440.58. Expenses this month included the payment to the Institute for Hawkins' Building maintenance of \$21,846.50.

Mr. Tucker **moved** to accept the Financial Report as presented; the Motion was **seconded** by Mr. Saunders and carried by the following vote:

VOTE: 4-0
AYE: Ingram, Tucker, Saunders, Vogler (4)
NAY: None (0)

6. CLOSED SESSION

At 12:16 p.m. Mr. Ingram **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:

[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.]

- 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; and
- 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 Southern Virginia Megasite at Berry Hill project, Cyber Park project and/or Cane Creek Centre 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 one or more of the Authority's projects 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; and
- D. As permitted by Virginia Code § 2.2-3711(A)(8) for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; and
- E. As permitted by Virginia Code § 2.2-3711(A)(29) for discussion of the award of a public contract involving the expenditures of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Authority.

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

VOTE: 4-0
AYE: Ingram, Tucker, Saunders, Vogler (4)
NAY: None (0)

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RETURN TO OPEN SESSION

On **Motion** by Mr. Saunders and **second** by Mr. Ingram and by unanimous vote at 1:40 p.m., the Authority returned to open meeting.

Mr. Ingram **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.

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

VOTE: 4-0
AYE: Ingram, Tucker, Saunders, Vogler (4)
NAY: None (0)

7. COMMUNICATIONS

Mr. Guanzon noted he had an update on the Department of Historic Resources; they couldn't come to terms with the donation agreement with the state. Basically, they want RIFA to indemnify them that RIFA owns the artifacts, and they were collected in a certain way that met all the standards and regulations. Mr. Guanzon told them they could not indemnify them, and they said RIFA could take the items and donate them elsewhere. Mr. Guanzon noted he spoke with Mr. Harden from Dewberry, and staff, if there was a repository, museum or someone else they want to donate the items to. Mr. Harden explained there were components of all sorts of things, very few Indian, mostly pieces of pottery and glass. Mr. Guanzon stated they could be donated to the County museum or the City.

Ms. Bobe noted Mr. Larking and Mr. Hunt signed off on a \$2,600 invoice for lead and asbestos assessment for the house located in the Megasite. Staff would like to demolish this house; it has been sitting vacant for a number of years and the first step was to insure there were no environmental contaminants. Staff received that report and wanted to make the Board aware of the funding approved. Mr. Guanzon explained that was under the bylaws, the Board does not have to vote on this, staff just has to report on what they were doing.

Mr. Rowe explained logging has been going on at the Megasite, and RIFA has made close to \$1M from it. The loggers have asked whether or not RIFA would like for them to keep a crew onsite. Up to now, the agreements in place end at the end of March, and it was for land that was west of Trotter's Creek. The loggers asked if RIFA wanted them to go east of Trotter's

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Creek. Staff discussed this with Dewberry and it was probably in the best interest of RIFA to let the loggers continue; Brian Bradner of Dewberry noted his agreement. Mr. Rowe stated they would have Mr. Guanzon review it for legality, and have Mr. Larking and Mr. Hunt sign off on it.

Mr. Ingram thanked the staff for the work they do for RIFA.

Mr. Tucker noted his agreement, and thanked the staff for the wonderful work they do keeping the Board up to date on what was going on; their hard work was appreciated.

Mr. Dalton thanked the team for working together, doing a good job.

Mr. Saunders thanked the Board for what they do, and was feeling good about the direction RIFA was going.

Dr. Miller thanked staff for the work they were doing, and keeping RIFA out of trouble as well.

Mr. Vogler asked about the timeline for Tyson to be completed and Ms. Bobe noted the last she heard was end of the second quarter of this year, and Mr. Rowe stated he heard early fall, they have had some delays in construction.

Meeting adjourned at 1:49 p.m.

APPROVED:

s/ J. Lee Vogler, Jr.
Chairman

s/ Susan M. DeMasi
Secretary to the Authority