



DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY AGENDA

**City of Danville, Virginia
County of Pittsylvania, Virginia**

**Danville Regional Airport
Conference Room
424 Airport Drive
Danville, Virginia**

October 11, 2023

1:00 PM

County of Pittsylvania Members

William V. ("Vic") Ingram, Vice Chairman
Robert M. Tucker, Jr.
Darrell W. Dalton, Alternate

City of Danville Members

J. Lee Vogler, Jr., Chairman
Sherman M. Saunders
Dr. Gary P. Miller, Alternate

Staff

Kenneth F. Larking, City Manager Officer
Stuart J. Turille, Jr., County Administrator Officer
Christian & Barton, L.L.P., Legal Counsel to Authority
Susan M. DeMasi, Authority Secretary
Michael L. Adkins, Authority Treasurer

1. MEETING CALLED TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

Members of the public who desire to comment on a specific agenda item will be heard during this period. The Chairman/Vice Chairman of the Authority may restrict the number of speakers. Each speaker shall be limited to a total of three minutes for comments.

[Please note that the public comment period is not a question-and-answer session between the public and the Authority.]

4. APPROVAL OF MINUTES

- A. Consideration of Approval of Minutes from the Regular Meeting held on September 11, 2023.

5. CONTINUATION OF OLD BUSINESS

- A. Consideration of Resolution No. 2023-10-11-5A, approving an amendment to that certain Local Performance Agreement dated June 14, 2021, by and among the Authority, the Industrial Development Authority of Danville, Virginia, a political subdivision of the Commonwealth of Virginia, the City of Danville, Virginia, a Virginia municipal corporation, the Industrial Development Authority of Pittsylvania County, Virginia, a political subdivision of the Commonwealth of Virginia, the County of Pittsylvania, Virginia, a political subdivision of the Commonwealth of Virginia, and Making Everything Possible, LLC, a Virginia limited liability company, approved under Resolution No. 2021-06-14-5D, where Making Everything Possible, LLC's performance criteria will be updated and no further incentives from the Authority will be added – Corrie Teague Bobe, Director of Economic Development, City of Danville

6. NEW BUSINESS

- A. Consideration of Resolution No. 2023-10-11-6A, approving that certain proposal for Offsite Stream and Wetland Mitigation Solution – Phase I (Conceptual Mitigation Plan) dated September 28, 2023, with HGS, LLC, a Virginia limited liability company and a wholly owned subsidiary of Resource Environmental Solutions, LLC, a Louisiana limited liability company, for offsite stream and wetland mitigation solution services for the Authority's Southern Virginia Megasite at Berry Hill, located in Pittsylvania County, Virginia, at a fee not to exceed \$483,000.00 – Brian Bradner, P.E., Vice President, Dewberry Engineers Inc.
- B. Consideration of Resolution No. 2023-10-11-6B, approving Amendment No. 37-A, dated September 27, 2023, with Dewberry Engineers Inc., a New York corporation, for engineering services related to the Mega Park Master Plan Southern Virginia Megasite at Berry Hill, to provide services relating to a new Joint Permit Application for the Authority's Southern Virginia Megasite at Berry Hill project, located in Pittsylvania County, Virginia, at

a lump sum fee of \$164,000.00– Mr. Bradner and Matthew D. Rowe, Director of Economic Development, Pittsylvania County

- C. Consideration of Resolution No. 2023-10-11-6C, approving the budget increase of Troutman Pepper Hamilton Sanders LLP as special counsel to the Authority regarding the Authority's Environmental Permit Application for the Authority's Southern Virginia Megasite at Berry Hill project, located in Pittsylvania County, Virginia, from \$25,000.00 to \$75,000.00, where such fees paid to special counsel will be reimbursed from Virginia Economic Development Partnership Virginia Business Ready Sites Program Grant funds – Mr. Rowe and Michael C. Guanzon, Esq., Christian & Barton, LLP, Legal Counsel to the Authority
- D. Consideration of Resolution No. 2023-10-11-6D, approving Amendment No. 2, dated September 13, 2023, with Dewberry Engineers Inc., a New York corporation, for professional engineering and construction administration services for Lot 7D graded pad project in the Authority's Cyber Park project, located in Danville, Virginia, for a lump sum fee of \$20,000.00 – Mr. Bradner
- E. Consideration of Resolution No. 2023-10-11-6E, approving the total reimbursement of \$27,402.53 in marketing expenses advanced by Southern Virginia Regional Alliance, resulting from certain marketing study expenses related to the Authority's Southern Virginia Megasite at Berry Hill project, located in Pittsylvania County, Virginia – Ms. Bobe and Mr. Rowe
- F. Financial Status Reports as of September 30, 2023.

7. CLOSED MEETING

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.

8. RETURN TO OPEN SESSION

9. COMMUNICATIONS

A. Authority Board Members

B. Staff

10. ADJOURN