

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

December 11, 2023

A Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority convened at 12:12 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, County Administrator Stuart Turille, City of Danville Chief Financial Officer and Authority Treasurer Michael Adkins, City of Danville Accountants Meredith Franklin and Jaime Pritchett, City of Danville Director of Economic Development Corrie Bobe, Assistant Director of Economic Development Kelvin Perry, Pittsylvania County Director of Economic Development Matt Rowe (via Zoom), Legal Counsel to the Authority Attorney Steve Lippman (via Zoom) and Secretary to the Authority Susan DeMasi. Also present were Brian Bradner, Shawn Harden and Joseph Snead from Dewberry. Linda Green, and Abigail Patterson and Logan Ashley from VEDP.

Chairman J. Lee Vogler, Jr., presided.

Mr. Vogler noted he wanted to acknowledge a few people in attendance; Steve Lippman was filling in for attorney Michael Guanzon, and Abigail Patterson and Logan Ashby from VEDP were attending.

PUBLIC COMMENT PERIOD

No one present desired to be heard.

APPROVAL OF MINUTES OF THE NOVEMBER 13, 2023, REGULAR MEETING

Upon **Motion** by Mr. Saunders and **second** by Mr. Ingram, Minutes of the November 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. 2023-12-11-5A AUTHORIZING A SUBDIVISION PLAT FOR LOT 7D IN THE CYBER PARK

City of Danville Director of Economic Development and Tourism, Corrie Bobe, explained this was to subdivide the graded pad located at the intersection of Slayton and Stinson. Part of the larger parcel was under the City's mountain biking trail system, and before a private sector company decided to locate to that particular site, staff wanted to subdivide the trails from the actual graded pad.

Mr. Tucker **moved** for adoption of *Resolution 2023-12-11-5A authorizing the Chairman of the Authority to execute, deliver and record Subdivision Plat and related documents to subdivide Lot 7D of the Authority's Cyber Park Project, located in the City of Danville, Virginia, where Lot 7D will be subdivided into new Lots 7E and 7F in order to delineate the existing graded pad from property adjacent to the existing Mountain Bike Trail.*

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

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

5B. CONSIDERATION OF RESOLUTION 2023-12-11-5B APPROVING A ONE YEAR RENEWAL OF THE MOUNTAIN VIEW FARMS OF VIRGINIA L.C. LEASE

Legal Counsel to the Authority Steve Lippman explained this was a lease renewal for the SVM with Mountain View Farms for cover crops or sod, at the same rate as last year. It also included a sixty-day early termination right, and the right to show the property to any potential recruits.

Mr. Ingram **moved** to adopt *Resolution 2023-12-11-5B, approving a one-year renewal of the lease with Mountain View Farms of Virginia, L.C., a Virginia Limited Liability Company, as tenant, for that certain real property (being a portion of GPIN 1356-80-4414) of the Authority, containing approximately 30 acres and fronting on Stateline Bridge Road, in the Authority's Southern Virginia Megasite at Berry Hill Project, in Pittsylvania County, Virginia, for the purpose of planting and harvesting sod, soybeans, and/or other cover crops, but not tobacco, at a total rental fee of \$1,200; such renewal also includes a 60-Day Early Termination Right and Right to Show the Property to business recruits of the Authority.*

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)

5C. FINANCIAL STATUS REPORT AS OF NOVEMBER 30, 2023

Authority Treasurer Michael Adkins gave the Financial Status report as of November 30, 2023, beginning with the \$7.3M Bonds for Cane Creek, which had no activity for November. Under General Expenditures for the current fiscal year, RIFA paid legal fees to Christian & Barton of \$17,934 for continued work in Cane Creek, Cyber Park, Berry Hill and general legal advice. RIFA also paid marketing to the Institute for reimbursement for work done by Next Move Group for an update on the Megasite marketing; meals were \$260, monthly utilities were \$186, and maintenance to Sellars Brothers of \$4,890 for monthly maintenance at Cane Creek and Berry Hill. Funding Other than Bonds for Berry Hill had a payment to Dewberry for \$222,000 for work completed under Amendment #35-A, \$118,950 to RES for stream and wetland mitigation, and \$6,470 to Troutman Pepper Hamilton Sanders. Lot 4 Site Development had no activity for November. Under Lots 1 and 2, RIFA paid Jimmy Lynch & Sons \$216,866 for billings Nos. 14 and 15. Water and Sewer and Cyber Park Site Development showed no expenditures for November. Rent, Interest and Other Income for November show RIFA received its regular rent from the Institute for the Hawkins' Building of \$23,342, earned interest from the money market account of \$4,773, and miscellaneous income from the continued timber sales from Hopkins Lumber with three payments totaling \$56,024. RIFA paid the Institute for Hawkins Building Maintenance in the amount of \$23,342.

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

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

6. CLOSED SESSION

At 12:20 p.m. Mr. Ingram **moved** that the Meeting of the Danville-Pittsylvania Regional 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.

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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. RETURN TO OPEN SESSION

On **Motion** by Mr. Tucker and **second** by Mr. Saunders and by unanimous vote at 12:46 p.m., the Authority returned to open meeting.

Mr. Ingram **moved** for adoption of the following Resolution:

That the Authority certify that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted from 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 Authority."

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)

8. COMMUNICATIONS

Staff

Discussion of the VBRSP letter of Support.

Ms. Bobe noted staff submitted a pre-application for the next round of Virginia Business Ready Sites Program funding. The regional application was targeted for further development of the Southern Virginia Megasite to include funding related to natural gas extension as well as further expanding the existing grading of the graded pad. Feedback they heard from site selectors was that everyone was looking for either a square or specifically a rectangle. This funding would help RIFA to take the existing 200 acres to 370 acres in a rectangular form. RIFA has made it to the next round to submit a formal application which was due the second week of January. This required, as part of their submission, letters of support; the City and County have provided letters and there will also be one from RIFA itself as owners of the park.

Ms. Bobe wished everyone a very happy holiday season and Happy New Year; she looked forward to working with them in 2024, with a lot of great projects in the pipeline.

Mr. Lippman noted in January there will be a election of officers per the by-laws; the Chairman and Vice Chairman alternate between the City and the County. For 2024, the Chairman will be from the County and the Vice Chairman will be from the City. Mr. Lippman noted, from Christian & Barton, Merry Christmas and Happy Holidays.

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Brian Bradner from Dewberry noted Happy Holidays and Merry Christmas to everyone. It was a privilege and joy to be able to serve RIFA, and they were very excited about everything coming up.

Mr. Larking noted his appreciation of the Board Members for their support of staff, and the resources they provide for them to be able to do their jobs. Happy Holidays and Merry Christmas.

Authority Board

Mr. Ingram hoped everyone had a great Christmas and thanked everyone for being here. Mr. Ingram noted RIFA has had a great year, looked forward to 2024, and stated the Chairman did a great job. Staff, Dewberry, and Linda were phenomenal, and envisioned next year being something to be excited and proud about.

Mr. Tucker noted he wanted to express his gratitude at being able to sit at the table and serve with such a wonderful staff. Matt, Corrie, Ms. Green and all the people working behind the scenes to make it happen were doing a phenomenal job. He really appreciated everything that has happened this past year and looked forward to great things happening on the horizon. Merry Christmas to all and enjoy your families.

Mr. Dalton thanked everyone, he enjoyed working with everyone, hoped to be back next year and have the opportunity to work together more; RIFA had a great team. Mr. Dalton wished everyone a Merry Christmas and a Happy New Year.

Mr. Saunders noted a special thanks to everyone, especially to the staff, they were doing a great job. Madison Whittle lost his mother, Mr. Saunders stated he was at the visitation last night and the homegoing service this morning at Sacred Heart; Council Member Campbell was there as well. Mr. Saunders stated he was happy to be a part of the City and County partnership, hoped it continued, and noted his appreciation of the staff and the work they do for RIFA.

Dr. Miller noted that a lot of good things have been accomplished this past year, not only with the city and county cooperation, but the projects that have been brought in, and that was directly attributable to the staff. They will look back at this year as a great year and thinks 2024 will be outstanding.

Mr. Vogler asked Ms. Bobe to review what will be going on at the ribbon cutting shortly.

Ms. Bobe noted the ribbon cutting was celebrating the completion of RIFA's 30,000 square foot shell building. This was a unique project not only for RIFA but also for the two localities' IDAs. This was the first time that the City and County IDAs partnered in constructing a building; they jointly entered into a lease agreement with RIFA for the land underneath. It also represents an opportunity to say thank you to the Tobacco Commission for providing a \$1M grant towards construction which further reduced RIFA's liability, both at the City and County level. This was the first time the Virginia Small Business Financing authority partnered with Virginia Community Capital under Locust Investing, to offer a loan. It was an opportunity to try things differently to help promote and create an economic development asset that will further generate jobs and revenue.

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Mr. Larking noted a lot of people were involved to make this possible, it was quite complicated to get the transaction from the beginning to the end. It involved a lot of people working hard to try to figure out how to make it work and would like to thank Matt, Corrie and others including the attorneys for the city, county and RIFA. It was a first for many people, it took a lot of effort to finish and wanted the Board to be aware of how much effort it took to be a reality.

Mr. Vogler noted this will be his last RIFA meeting as Chairman this year, as it alternated each year. It has been an amazing experience and a joy to work with everyone. He has been on the RIFA board for almost twelve years, but his first time as chairman, and really loved the opportunity to work even closer with the staff and all the people in the room right now. He enjoyed working with the members of the Pittsylvania County Board of Supervisors and looked forward to continuing working with them in the year ahead. Mr. Vogler noted he wanted to thank his friends and colleagues from City Council who serve here and Mr. Saunders especially for his expertise and guidance. Mr. Vogler stated he believed that a lot of the work that has been done this year they will see bear fruit in the year ahead, in what should be an amazing year for this region.

Meeting adjourned at 1:04 p.m.

APPROVED:

Chairman

Secretary to the Authority