



DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY AGENDA

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

**Institute for Advanced Learning and Research
150 Slayton Avenue, Room 206
Danville, Virginia**

July 8, 2024

12:00 PM

County of Pittsylvania Members

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

City of Danville Members

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

Staff

Kenneth F. Larking, City Manager Officer
Interim 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 Regular Meeting held on June 10, 2024.

5. NEW BUSINESS

- A. Consideration of Resolution No. 2024-07-08-5A, appointing Vincent E. Shorter, as the County Administrator Officer of the Authority – Michael C. Guanzon, Esq., Christian & Barton, LLP, Legal Counsel to the Authority.
- B. Consideration of Resolution No. 2024-07-08-5B, authorizing the negotiation, execution and delivery of a ground lease with Tupelo Storage, LLC, a North Carolina limited liability company, an affiliate of Strata Solar, LLC, a North Carolina limited liability company, for a portion of that certain real property containing approximately 2,089.93 acres (GPIN 1367-30-1931), commonly known as Lot 6, in the Authority's Southern Virginia Megasite at Berry Hill project, located in the Pittsylvania County, Virginia, under which the lessee, at its expense, would cause the construction, installation and operation of an energy storage system on approximately 85 acres; the ground lease term will consist of a development term of up to five (5) years, a subsequent construction term of up to two (2) years, and thereafter an initial operations term of thirty (30) years with lessee having the option to extend the initial operations term for two (2) additional successive five- (5-) year terms; the ground lease shall be for the use collection, storage, transmission and sale of electricity and such incidental uses acceptable to the Authority; annual rent during the development term shall be \$5,000.00; annual rent during the construction term shall be \$1,800.00 per acre of buildable land and \$500.00 per acre of setback land; and annual rent during the initial operations term and any applicable extension terms shall be \$1,800.00 per acre of buildable land and \$500.00 per acre of setback land subject to annual escalation starting on the fifth (5th) anniversary of initial operations term – Matthew D. Rowe, Director of Economic Development, Pittsylvania County and Mr. Guanzon.
- C. Consideration of Resolution No. 2024-07-08-5C, authorizing the negotiation, execution and delivery of Deeds of Dedication and Deeds of Easement for public street purposes and approving related development plans, consisting of certain portions of real property located in, or in close proximity to, the Authority's Southern Virginia Megasite at Berry Hill project located in Pittsylvania County, Virginia, in furtherance of the Virginia Department of Transportation's Project 0311-071-835 to widen or improve State Highway Route 311 – Mr. Rowe and Mr. Guanzon.

- D. Consideration of Resolution No. 2024-07-08-5D authorizing the Chairman of the Authority to execute, deliver and record that Third Amendment to Declaration of Restrictive Covenants for the Cyber Park, amending the Original Declaration of Protective Covenants dated September 20, 2004, and recorded in the City of Danville's land records as Instrument No. 05-1671 (as amended), providing for the Review Committee's discretionary review and approval related to screening of outside equipment and architectural features – Corrie Teague Bobe, Director of Economic Development, City of Danville and Mr. Guanzon.
- E. Financial status reports as of June 30, 2024 - Michael L. Adkins, Authority Treasurer.

6. 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.

7. RETURN TO OPEN SESSION

A. Confirmation of Motion and Vote to Reconvene in Open Meeting.

B. Motion to Certify Closed Meeting.

COMMUNICATIONS

A. Authority Board Members

B. Staff

9. ADJOURN