

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

October 16, 2024

A Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority convened at 12:08 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 Vice Chairman Sherman M. Saunders, J. Lee Vogler, Jr., and Alternate Dr. Gary P. Miller. Pittsylvania County Members present were Chairman William V. Ingram, Robert Tucker and Alternate Darrell Dalton.

City/County staff members attending were: City Manager Ken Larking, Interim County Administrator Vincent Shorter, Authority Treasurer Michael Adkins, City of Danville Accountant Jaime Pritchett, Pittsylvania County Director of Finance Kim Van Der Hyde, City of Danville Director of Economic Development Corrie Bobe (via zoom), Assistant Director of Economic Development Kelvin Perry, Pittsylvania County Director of Economic Development Matt Rowe, Pittsylvania County Project Manager Kattie Saunders, Legal Counsel to the Authority Michael C. Guanzon, Esq., and Secretary to the Authority Susan DeMasi. Also present were Brian Bradner (via zoom), Shawn Harden and Joseph Snead from Dewberry, Linda Green from SVRA, Jason Grey, City of Danville Director of Utilities and Pittsylvania County Supervisor Ken Bowman.

Chairman William V. Ingram presided.

PUBLIC COMMENT PERIOD

No one present desired to be heard.

APPROVAL OF MINUTES OF THE SEPTEMBER 9, 2024, REGULAR MEETING

Upon **Motion** by Mr. Saunders and **second** by Mr. Tucker, Minutes of the September 9, 2024, Regular Meeting were approved as presented. Draft copies had been distributed to Authority Members prior to the Meeting.

NEW BUSINESS

5A. CONSIDERATION OF RESOLUTION 2024-10-16-5A AUTHORIZING A PROPOSAL FOR CEMETERY RELOCATION SERVICES FROM WSP USA INC.

Pittsylvania County Director of Economic Development Matt Rowe explained this was for the WSP contract; WSP was RIFA's archeological and cultural resources firm that has done the cultural work at the Megasite for the past several years. They put together the permits for the grave site relocation, which the Board approved in the past. This contract was for exhuming the remains, it has an allowance for that work, and for the genealogical work. Mr. Rowe noted today was the final day for the public comment period; RIFA has had four public notices, in both the *Chatham Star Tribune* and in the *Danville Register & Bee*. There have been nineteen direct comments regarding those notices, divided pretty equally between phone and email. The majority of those correspondences have ended in a favorably supportive spot, once people understood that staff was working to the best of their ability with the family members, trying to be as transparent as possible. There was a meeting last week on Monday evening at Shiloh Baptist Church with about twenty people attending; it was very productive and meaningful; the Chair and Vice Chair also attended. The formal public meeting was held in Chatham on Wednesday, and the RIFA Chair was at that meeting with about ten or twelve people attending.

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

October 16, 2024

Mr. Vogler **moved** for adoption of *Resolution 2024-10-16-5A, a Resolution authorizing the negotiation, execution and delivery of a proposal for Cemetery Relocation Services from WSP USA Inc., a New York Corporation, where services provider will provide excavation services on Lot 3 of the Authority's Southern Virginia Megasite at Berry Hill located in Pittsylvania County, Virginia for a fee not to exceed \$353,553.00.*

The Motion was **seconded** by Mr. Tucker.

Mr. Ingram noted he and Mr. Saunders attended the meeting at Shiloh, and Mr. Rowe and Ms. Bobe did a great job. This was a very sensitive topic, they answered questions, were sensitive to concerns and comments, and he believed RIFA had public support.

The **Motion** was carried by the following vote:

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

5B. CONSIDERATION OF RESOLUTION 2024-10-16-5B AUTHORIZING A PROPOSAL FOR LOCATION CONSULTING SERVICES

City of Danville Director of Economic Development and Tourism Corrie Bobe explained this was a contract to engage Jones Lang LaSalle for a market analysis for the Southern Virginia Megasite. This was information that would be used in the larger Army Corp of Engineering permit application; it helps determine the benefits of the site, and if there were any competing sites targeting the same industries that RIFA was for the Megasite. The cost was \$65,000 and will take about five months to complete. The Southern Virginia Regional Alliance has secured grant funding from the Danville Regional Foundation and the cost of this will be paid for by that grant; there was no out of pocket expense for RIFA.

Mr. Saunders **moved** for adoption of *Resolution 2024-10-16-5B, a Resolution authorizing the negotiation, execution and delivery of a proposal for Location Consulting Services from Jones Lang Lasalle Americas, Inc., a Maryland Corporation, where the Consultant will provide Market Assessment Services for the Authority's Southern Virginia Megasite at Berry Hill, located in Pittsylvania County, Virginia, for a lump sum fee equal to \$65,000.00.*

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)

5C. CONSIDERATION OF RESOLUTION 2024-10-16-5C APPROVING A GRANT OF EASEMENT TO THE CITY OF DANVILLE IN THE CYBER PARK

City of Danville Director of Utilities Jason Grey explained in February the City requested an overhead transmission easement from Highway 58 to the back of the ATDM building where the City was building a substation to serve the new electric load in the Cyber Park. The engineers came to the City and asked for a little more space for the easement; they were requesting about one-third of an acre added to the current easement.

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

October 16, 2024

Mr. Tucker **moved** for adoption of Resolution 2024-10-16-5C, a *Resolution approving the grant to the City of Danville, Virginia, of a revised permanent easement, containing approximately 1.608 acres, for transmission lines and such other utility facilities to serve that certain power substation located on a portion of Lot C (Tax Parcel ID 76441) of the Authority's Cyber Park Project, located in Danville, Virginia, and the further development of the Authority's Cyber Park Project.*

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)

5D. FINANCIAL STATUS REPORTS AS OF SEPTEMBER 30, 2024

Authority Treasurer Michael Adkins gave the Financial Status report as of September 30, 2024, beginning with the \$7.3M Bonds for Cane Creek which had no activity for September. General Expenditures for the current fiscal year include legal fees to Chrisian & Barton of \$44,233, meals at the Institute of \$452.28, monthly utilities of \$125 and the recurring monthly maintenance Sellars Brothers provides at Cane Creek and Berry Hill of \$4,890. Funding at Berry Hill Other than Bonds had one expenditure to Dewberry for \$104,625 for work completed under Amendment #39 and #40; Amendment #39 was the Phase 1 and Amendment #40 was the bat survey. Lot 4 Site Development had no expenditures for September. Lots 1 and 2 had a small invoice paid to Fifth Mountain Engineering of \$637.50, that was part of the \$30,000 contract; there was about \$1,600 left to pay on that. Water and Sewer at Berry Hill and Cyber Park Site Development had no expenditures for September. Rent, Interest and Other Income show RIFA received their \$1,500 per month lease payment from AEP, monthly rent from the Institute for the Hawkins' building of \$23,342, and RIFA earned \$14,261 in interest. Other miscellaneous income items show one check from Hopkins' Lumber for \$16,826; Pittsylvania County sent in the Aerofarms AFIB grant funds of \$200,000 that was issued by the State; Mr. Adkins noted he believed that Aerofarms has met those milestones to receive that grant and staff will be disbursing that very soon. They also received from the City its share of the real estate taxes rebate for Tysons of \$217,307 and Pittsylvania County also sent Tyson's COF Incentive of \$241,580, those were paid out during the month of September; Tyson had already met those milestones. Mr. Adkins noted other expenses included the first payment to Economic Leadership for the update of the Strategic Plan for the Megasite, and RIFA also paid the Institute the maintenance fee for the Hawkins' Building of \$23,342.

Mr. Vogler **moved** to accept the Treasurer's Report, 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)

6. CLOSED SESSION

At 12:22 p.m. Mr. Saunders **moved** that the Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority be recessed in a Closed Meeting for the following purposes:

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

October 16, 2024

[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. Vogler and carried by the following vote:

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

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

October 16, 2024

7. RETURN TO OPEN SESSION

On **Motion** by Mr. Vogler and **second** by Mr. Tucker and by unanimous vote at 12:49 p.m., the Authority returned to open meeting.

Mr. Saunders **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. Tucker and carried by the following vote:

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

8. COMMUNICATIONS

Board Members

Board Members thanked staff for their work. Mr. Vogler noted Diron Clements approached him and said there was a piece of property on Berry Hill, and asked who he would need to speak to if it was RIFA owned property, to get permission to go duck hunting. Mr. Guanzon noted in the past RIFA did have hunting leases, but it became an issue, and the RIFA Board decided there would not be hunting at the Southern Virginia Megasite. Mr. Ingram asked about the email from Desmond Kendrick; he has been going on the property on a regular basis and taking pictures of what he found; he has asked the Board if he can get permission to continue to come on the property. Mr. Guanzon questioned if staff had posted No Trespassing signs on the property and Mr. Rowe noted on Monday, sixty-nine signs were posted. Mr. Rowe stated that at Mr. Guanzon's direction he reached out to Mr. Kendrick and informed him at this point in time RIFA's position was that the property cannot be accessed without written permission.

Staff

Authority Secretary Susan DeMasi noted the November RIFA meeting was originally scheduled for Monday, November 11th, which was Veterans' Day; the City and County offices were closed and the meeting needed to be moved to Tuesday, November 12th. Staff noted that the 12th was the scheduled day for the VDOT ceremony and Board members asked if the meeting could be moved to Wednesday, November 13th at noon.

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

October 16, 2024

Meeting adjourned at 1:04 p.m.

APPROVED:

s/ William V. Ingram
Chairman

s/ Susan M. DeMasi
Secretary to the Authority