



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 207
Danville, Virginia**

November 13, 2024

1:30 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
Vincent Shorter, 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 October 16, 2024.

5. NEW BUSINESS

- A. Presentation of an Update to the Regional Economic Development Plan - Ken L. Larking, City Manager Officer.
- B. Consideration of Resolution 2024-11-13-5B, approving the form of a Local Performance Agreement to be executed by the Authority and others, in anticipation of a public announcement of the business or industry's interest in locating its facility in the Authority's Southern Virginia Megasite at Berry Hill project located in Pittsylvania County, Virginia, under which agreement, the Authority or Pittsylvania County would provide to a company or industry known and recommended by the Authority's staff a real estate tax rebate for year 1 through year 12; a machinery and tools tax rebate for year 1 through year 12; a Danville-Pittsylvania County enterprise zone jobs grant of up to an estimated \$2,015,000.00; the City of Danville, Virginia and/or County of Pittsylvania, Virginia would waive up to an estimated \$1,000,000.00 of building zoning and land disturbance permit fees; and a land cost grant up to an estimated \$11,500,000.00, in exchange for capital investments of at least \$1,350,600,000.00 and the creation of 2,015 full-time jobs with an average yearly base wage of at least \$58,090.85 – Matthew D. Rowe, Director of Economic Development, Pittsylvania County, VA, and Corrie T. Bobe, Director of Economic Development, City of Danville, VA
- C. Consideration of Resolution No. 2024-11-13-5C, approving the negotiation, execution and delivery of a Memorandum of Understanding with Southwestern Virginia Gas Company, a public service corporation, for certain natural gas infrastructure work within the Authority's Southern Virginia Megasite at Berry Hill, located in Pittsylvania County, Virginia, including among other things, the interconnection with an existing pipeline, service extension within the Southern Virginia Megasite at Berry Hill and related facilities, all of which shall not to exceed an aggregate cost of \$15,000,000.00, where the Authority will be entitled to certain proceeds deriving from the project, all of which will be more fully described in definitive agreements; and where the Memorandum of Understanding will be subject to the approval by legal counsel to the Authority as to legal form – Kenneth L. Larking, City Manager, City of Danville, Virginia
- D. Consideration of Resolution No. 2024-11-13-5D, authorizing the Chairman of the

Authority to execute and deliver that certain Term Sheet for a \$20,000,000.00 loan from the Virginia Tobacco Region Revitalization Commission to finance a new and improved gas gate and service extension to the Authority's Southern Virginia Megasite at Berry Hill project, located in Pittsylvania County, Virginia, in furtherance of Resolution No. 2024-11-13-5B – Kenneth L. Larking, City Manager Officer.

- E. Consideration of Resolution No. 2024-11-13-5E, approving the negotiation, execution and delivery of a Mitigation Agreement with HGS, LLC, a wholly-owned subsidiary of Resource Environmental Solutions, LLC, a Louisiana limited liability company, for certain wetlands mitigation work within the Authority's Southern Virginia Megasite at Berry Hill, located in Pittsylvania County, Virginia, and where the Mitigation Agreement's minimum business terms will include a \$50,000.00 fee for a 2-year option to buy certain environmental credits at a set rate, and if changes in governmental regulations or guidance cause the Authority's inability to use the environmental credits, then HGS, LLC will refund a pro rata portion of the \$50,000.00 fee; and where the Mitigation Agreement will be subject to the approval by legal counsel to the Authority as to legal form – Brian K. Bradner, P.E., Senior Vice President, Dewberry Engineers
- F. Financial status reports as of October 31, 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