

Danville-Pittsylvania Regional Industrial Facility Authority

Minutes

March 8, 2010

The Regular Meeting of the Danville Pittsylvania Regional Industrial Facility Authority convened at 12 o'clock Noon on the above date in the Conference Room of the Dan River Business Development Center located at 300 Ringgold Industrial Parkway. Present were City of Danville Members Vice-Chairman/Secretary-Treasurer Sherman Saunders and David Luther and Pittsylvania County Members Chairman Coy Harville and Hank Davis.

City/County staff members attending were: Danville Interim City Manager Joe King, Pittsylvania County Administrator Dan Sleeper, Pittsylvania County Assistant Administrator Otis Hawker, Assistant County Administrator for Planning Greg Sides, Danville Economic Development Director Jeremy Stratton, Pittsylvania County Economic Development Director Ken Bowman, Danville Finance Director Barbara Dameron, Pittsylvania County Finance Director Kim Van der Hyde, Danville Senior Accountant Amy Merricks, Clement and Wheatley Attorney Lee Goodrich, and Clerk to the Authority Annette Crane.

Danville City Attorney Clarke Whitfield and Danville Economic Development Consultant Linwood Wright were also present.

Chairman Harville called the Meeting to order.

MOMENT OF SILENCE FOR M. LYLE LACY III

A Moment of Silence was observed in memory of former Danville City Manager M. Lyle Lacy III. Mr. Lacy passed away at his home on Wednesday, March 3.

ADDITION TO AGENDA

With no voiced opposition, a letter from Patten Seed Company's Mark Osborne was placed on the Agenda as Item 8A.

APPROVAL OF FEBRUARY 8, 2010 MINUTES

Upon **Motion** by Mr. Davis and second by Mr. Luther, Minutes of the February 8, 2010 Meeting were approved as presented. Draft copies had been distributed to Authority Members prior to the Meeting.

RESOLUTION – MINING OF URANIUM AT MEGA PARK

Mr. Davis **moved** adoption of a Resolution resolving the Danville Pittsylvania Regional Industrial Facility Authority will not sell, lease or otherwise make use of mineral rights it owns on the Berry Hill Mega Park for the mining of uranium or construction of a uranium milling operation. The Motion **failed** for lack of a second.

PITTSYLVANIA COUNTY BOARD OF SUPERVISORS RESOLUTIONS-BOARD APPOINTMENTS

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Mr. Harville advised the Board of Supervisors had passed Resolutions ratifying the Danville-Pittsylvania Regional Industrial Facility Authority Board Appointments on March 1, 2010.

Resolution No. 1 resolved that the heretofore made appointments to the Board of Directors of the Danville-Pittsylvania Regional Industrial Facility Authority and the alternate appointments made by the chairpersons of this Board are hereby appointed by a majority vote by duly empaneled majority of the lawful quorum of the Members of the Board of Supervisors of Pittsylvania County, Virginia upon due notice of this Resolution, nunc pro tunc and effective upon the date of appointment previously made by any chairperson of this Board to serve such lawful term following said appointment for so long as said appointee remained as a member of the Board of Supervisors of Pittsylvania County as required by law.

Resolution No. 2 resolved that the Board of Supervisors of the County of Pittsylvania County, Virginia do hereby ratify, approve, and confirm all prior acts by the various chairpersons of the Board of Supervisors of the County of Pittsylvania, Virginia and the Board of Supervisors of the County of Pittsylvania, Virginia itself relating to, in support of and in any manner providing aid, material, support, and assistance to the Danville-Pittsylvania Regional Industrial Facility Authority.

Mr. Harville advised the Resolutions were for Authority Members' information only and no action was required.

RESOLUTION RATIFYING PRIOR ACTIONS OF RIFA BOARD

Mr. Saunders **moved** adoption of a Resolution ratifying prior actions of the Danville-Pittsylvania Regional Industrial Facility Authority. The Motion was seconded by Mr. Luther and carried unanimously.

NANCY BARBOUR SMITH VS. PITTSYLVANIA COUNTY BOARD OF SUPERVISORS

Board Members were provided copies of the Nancy Barbour Smith vs. Pittsylvania County Board of Supervisors court case in their respective agenda packets.

MONTHLY FINANCIAL REPORT

Mr. Harville called attention to the Monthly Financial Report that had been distributed to Members prior to the Meeting. Members were asked to direct any questions to Barbara Dameron or Amy Merricks.

Mr. Saunders **moved** acceptance of the Financial Report as presented. The Motion was seconded by Mr. Davis and carried unanimously.

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PATTEN SEED COMPANY LEASE

Mr. Harville called attention to a letter from Patten Seed Company Manager Mark Osborne requesting that RIFA lease approximately 30 acres of land located on Stateline Bridge Road. Mr. Osborne requested the lease begin on April 1, 2010 and terminate on November 30, 2010 and offered \$2,500 rent for that period. The letter had been faxed to Clerk Crane just prior to today's meeting.

Mr. Davis **moved** to allow legal counsel to draw up the lease to include a clause that the leased land will be re-seeded before the lease terminates. The Motion was seconded by Mr. Luther and carried unanimously.

FUTURE MEETING LOCATION AND ARRANGEMENTS

Mr. Harville stated a larger room for RIFA meetings was needed since presently there were citizens attending on a regular basis. He suggested that Joe King investigate the possibility of meeting at the Airport. Mr. Saunders stated the meetings could be moved to a larger conference room in the present location. He said Authority Members could discuss changing the meeting time at a later date if the Board desired to do so.

Mr. Saunders **moved** to conduct the RIFA meetings in one of the larger conference rooms at the Dan River Business Development Center. The Motion was seconded by Mr. Davis and carried unanimously.

CLOSED MEETING

At 12:31 P.M. Mr. Harville recognized Mr. Davis who **moved** the meeting be recessed and the Authority immediately convene in Closed Meeting for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body regarding specific legal matters requiring the provision of legal advice by such counsel of as permitted by Subsection (a) (7) of Section 2.2-3711 of the Code of Virginia, 1950, as amended, discussion, consideration, of prospective candidates for employment and more specifically a personnel matter as permitted by Subsection (A) (1) of Section 2.2-3711 of the Code of Virginia, 1950, as amended, and discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community as permitted by Subsection (A) (5) of Section 2.2-3711 of the Code of Virginia, 1950, as amended. The Motion was seconded by Mr. Saunders and carried unanimously.

Upon unanimous vote, at 1:19 P.M. the Authority returned to open meeting and Mr. Luther **moved** adoption of the following Resolution:

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WHEREAS, the Authority convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia, 1950, as amended, requires a Certification by the Authority that such Closed Meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted by the open 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 the Authority.

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

VOTE: 4-0
AYE: Davis, Harville, Luther, and Saunders (4)
NAY: None (0).

Mr. Davis **moved** to authorize RIFA's chairman to sign a letter from Clement and Wheatley relating to conflict of interest. The Motion was seconded by Mr. Luther and carried unanimously.

COMMUNICATIONS

Mr. Saunders welcomed Interim City Manager Joe King to the meeting.

Mr. Saunders advised that Danville City Council had discussed a Resolution on banning uranium mining at the Mega Park. It was the consensus of Council Members that since uranium mining was illegal in the State of Virginia, no Council action was necessary.

The Meeting adjourned at 1:22 P.M.

Chairman

Clerk to the Authority