

Danville-Pittsylvania Regional Industrial Facility Authority

Minutes

July 12, 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, David Luther, Alternate Fred Shanks and Pittsylvania County Members Chairman Coy Harville and Hank Davis.

City/County staff members attending were: Danville City Manager Joe King, Pittsylvania County Administrator Dan Sleeper, Pittsylvania County Assistant County Administrator Otis Hawker, Pittsylvania County Assistant Administrator for Planning Greg Sides, Danville Finance Director Barbara Dameron, Pittsylvania County Finance Director Kim Van Der Hyde, Danville Business Systems Accountant Amy Merricks Chandler, Danville Economic Development Director Jeremy Stratton, Danville Economic Development Consultant Linwood Wright, Clement and Wheatley Attorneys Michael Guanzon and Glenn Pulley, and Clerk to the Authority Annette Crane.

Pittsylvania County Board of Supervisors Members Marshall Ecker and James Snead, and Dewberry and Davis Associates Shawn Harden and Larry Hasson were also present.

Citizens in attendance were Anne Cockrell, Carolyn Gibson, Andrew Lester, Nancy B. Smith, and George Stanhope.

Mr. Harville called the Meeting to order.

ELECTION OF CHAIRMAN & VICE-CHAIRMAN/SECRETARY-TREASURER

Mr. Harville opened the floor for nominations for Chairman of the Authority to serve for a term ending June 30, 2011.

Mr. Luther nominated Mr. Saunders to serve as Chairman. Mr. Harville seconded the Motion.

There were no further nominations and the nominations were closed.

The Motion carried by the following vote:

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

Mr. Harville turned the floor over to Mr. Saunders.

Mr. Saunders opened the floor nominations for Vice-Chairman/Secretary-Treasurer to serve for a term ending June 30, 2011.

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Mr. Luther nominated Mr. Harville to serve as Vice-Chairman/Secretary-Treasurer for a term ending June 30, 2011. The Motion was seconded by Mr. Davis.

There were no further nominations and the nominations were closed.

The Motion carried by the following vote:

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

APPROVAL OF JUNE 14, 2010 MINUTES

Upon **Motion** by Mr. Davis and second by Mr. Luther, Minutes of the June 14, 2010 meeting were approved as presented. Draft copies had been distributed to Authority Members prior to the meeting.

CONSIDER NAME OF MEGA PARK

Danville Economic Development Director Jeremy Stratton advised he was asked to come up a name for the Berry Hill Mega Park. He said it was important to do so in order to avoid confusion with the Berry Hill facility in South Boston. Mr. Stratton said consultants McCallum Sweeney had suggested Mid-Atlantic Industrial Park with an MA logo. Mr. Luther stated he had no problem with the name but preferred a different logo. Mr. Davis stated he felt the name should be in keeping with the Virginia-Carolina region.

City Manager King commented that the name and logo were intended to resonate internationally for potential industries and asked Members to keep this in mind during deliberations. Mr. King said the sooner RIFA was comfortable with a name, the sooner the marketing process could begin.

It was decided a joint meeting between Danville City Council and the Pittsylvania County Board of Supervisors would be held to discuss the naming of the Park. No date was set for that meeting.

APPROVED PROPOSED BUDGET FOR FY 2011 & GENERAL CONTRIBUTION FROM CITY & COUNTY FOR RIFA GENERAL EXPENDITURES

Mr. Luther **moved** approval of the FY 2011 RIFA Budget for General Expenditures as presented.

Mr. Harville seconded the Motion.

Danville Finance Director Barbara Dameron presented the proposed RIFA budget for FY 2011 for approval. Ms. Dameron reported that staff was requesting \$20,000 from both Danville and Pittsylvania County, which is included in the \$105,000 proposed operating budget. The \$20,000 amount is \$55,000 less than in past years because staff believes there will be a large amount of unexpended funds to carry forward into FY 2011.

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In response to Mr. Shanks, Ms. Dameron advised that \$28,443.71 was expended for legal fees, with \$12,000 of that amount expended in May and June. The proposal in the FY 2011 budget for legal fees is \$40,000.

Ms. Dameron advised that staff recommends approval of the general contribution of \$20,000 from the City and the County with the understanding that each locality hold the remainder of its budgeted fund of \$55,000 for RIFA support should the need arise.

The Motion carried by the following vote:

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

FINANCIAL REPORT

Mr. Saunders 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 Danville Finance Director Barbara Dameron.

CLOSED MEETING

Prior to consideration of a Closed Meeting, Mr. Luther advised his final term on the Institute for Advanced Learning and Research (IALR) Board of Trustees ended June 30, 2010. Mr. Luther reiterated he was no longer a member of the Board, thereby posing no conflict of interest on matters involving the IALR.

At 12:27 P.M., Mr. Saunders recognized Mr. Harville who **moved** the meeting be recessed and the Authority immediately convene in Closed Meeting for consultation with legal counsel pertaining to probable litigation, where such consultation or briefing in open meeting would adversely affect the litigating posture of the Authority as permitted by Subsection (A) (7) of Section 2.2-3711 of the Code of Virginia, 1950, as amended and for discussion or consideration of a Ground Lease of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Authority with The Institute for Advanced Learning and Research as permitted by Subsection (A) (3) of Section 2.2-3711 of the Code of Virginia, 1950, as amended. The Motion was seconded by Mr. Luther and carried unanimously.

Upon unanimous vote, at 1:30 P.M. the Authority returned to open meeting and Mr. Luther **moved** adoption of the following Resolution:

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

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the Authority that such Closed Meeting was conducted in confirmity 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. Harville and carried by the following vote:

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

AUTHORIZE CHAIRMAN TO NEGOTIATE A LETTER OF INTENT WITH IALR

Mr. Luther **moved** to authorize Chairman Saunders to enter into negotiations of a letter of intent for a ground lease for twenty years with the Institute of Advanced Learning and Research (IALR). The Motion was seconded by Mr. Harville and carried by the following vote:

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

ADDITION TO AGENDA

Mr. Davis **moved** to add consideration of a site plan to the Agenda. The Motion was seconded by Mr. Harville and carried by the following vote:

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

Dewberry & Davis Engineer Larry Hasson reviewed a sketch of the SenTeC site plan located in the Cyber Park. Mr. Hasson advised the covenants stated if there was anything mechanical in nature or not really a part of the building itself, there must be a protective covering or some type of disguise around it. Four trees have been placed at the front of the top elevation for coverage. Directly behind the third tree, there is an elevation with a large corrugated tank with a little visibility from behind the fourth tree. Mr. Hasson was seeking a variance to allow the presence of the tank for rainwater collection. He said 60 to 70 percent of roof rainwater run-off is collected and used to irrigate the landscape.

Mr. Davis **moved** to accept the site plan with any variance necessary to cover allowance of the tank. The Motion was seconded by Mr. Harville and carried by the following vote:

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

COMMUNICATIONS

There were no communications from Authority Members.

The Meeting adjourned at 1:40 P.M.

Chairman

Clerk to the Authority