

Danville-Pittsylvania Regional Industrial Facility Authority

Minutes

January 10, 2011

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 located at the Danville Regional Airport, 424 Airport Drive. Present were City of Danville Members Chairman Sherman Saunders, David Luther and alternate Fred Shanks and Pittsylvania County Members Chairman Coy Harville and alternate Fred Ingram. Pittsylvania County Member Hank Davis was absent.

City/County staff members attending were: City Manager Joe King, Danville Economic Development Director Jeremy Stratton, Danville Economic Development Consultant Linwood Wright, Pittsylvania County Economic Development Director Ken Bowman, Danville Finance Director Barbara Dameron, Pittsylvania County Finance Director Kim Van der Hyde, Danville Senior Accountant Patricia Knutti, Clement and Wheatley Attorney Michael Guanzon, and Secretary to the Authority Annette Crane.

Dewberry & Davis project manager Shawn Harden, and Brown, Edwards and Company auditor Norman Yoder were also present.

Citizen in attendance was Barbara Hudson.

Mr. Saunders called the Meeting to order. Mr. Saunders asked for a moment of silence to remember the Congresswoman in Arizona and all affected by the shooting tragedy that occurred recently.

APPROVAL OF DECEMBER 13, 2010 MINUTES

Upon **Motion** by Mr. Harville and second by Mr. Ingram, Minutes of the December 13, 2010 Meeting were approved, as presented. Draft copies had been distributed to Authority Members prior to the Meeting.

CONSIDERATION TO APPROVE THE MEMBER AGREEMENT TO CONTINUE PARTICIPATION WITH VML INSURANCE PROGRAM

Mr. Harville moved to approve the member agreement to continue participation with VML Insurance Program. The Motion was seconded by Mr. Ingram and carried by the following vote:

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

DISCUSSION OF THE AUDITED FINANCIAL REPORT FOR THE FISCAL YEAR ENDING JUNE 30, 2010

Mr. Saunders asked for any discussion or comments. Norman Yoder made comments regarding the report and thanked members in helping prepare the audit. Opinions are unqualified and

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correct. Mr. Yoder discussed the report with Authority members and members were given an opportunity to ask questions and make comments. Copies were available for member's review.

Mr. Luther moved to accept the auditor's report. The Motion was seconded by Mr. Harville and carried by the following vote:

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

AUTHORIZING PERFORMANCE AGREEMENT - VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP.

Mr. Harville moved to approve a Resolution (I) Authorizing a Performance Agreement with the Virginia Economic Development Partnership ("VEDP"), a political subdivision of the Commonwealth of Virginia, under which VEDP would award to the Authority a \$500,000 site evaluation and planning grant from the Major Employment and Investment Project Site Planning Grant Fund, for design engineering, surveying, right-of-way procurement, soil analysis, and soil erosion control projects for the benefit of the Authority's Berry Hill Regional Mega Park Site; and (II) authorizing the Chairman and/or the Vice Chairman to execute all necessary documents pertaining thereto.

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

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

AUTHORIZING GRANT APPLICATION TO THE ECONOMIC DEVELOPMENT ADMINISTRATION OF THE U.S. DEPARTMENT OF COMMERCE

Mr. Harville moved to approve a Resolution (I) authorizing the submission of a grant application to the Economic Development Administration of the U.S. Department of Commerce to pay for certain site improvements to Lots 3 and 9, owned by the Authority, located in the Cane Creek Centre; and (II) authorizing the Chairman and/or the Vice Chairman to execute all necessary documents pertaining thereto.

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

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

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MONTHLY FINANCIAL REPORT

Mr. Harville moved to accept the financial report as presented. The Motion was seconded by Mr. Luther and carried by the following vote:

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

CLOSED MEETING

At 12:30 P.M. Mr. Harville moved that the meeting be recessed and the Authority immediately convene in Closed Meeting as permitted by Section 2.2-3711(A)(7) of the Code of Virginia, 1950 as amended, for consultation with and briefing by legal counsel pertaining to actual litigation regarding Nancy Barbour Smith, et al. v. Pittsylvania County Board of Supervisors (Case No. CL 10000088-00), where such consultation or briefing in open meeting would adversely affect the litigating posture of the Authority.

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

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

At 12:55 the Authority returned to open meeting and Mr. Harville **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 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. Luther and carried by the following vote:

VOTE: 4-0
AYE: Harville, Ingram, Luther, and Saunders (4)

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NAY: None (0).

COMMUNICATIONS

City Manager Joe King introduced Sue DeMasi as the new City Clerk. Mr. King advised that Ms. DeMasi would be serving as the Clerk to the RIFA board. Former Clerk Annette Crane retired as of December 31, 2010.

The Meeting adjourned at 12:57 P.M.

Chairman

Clerk to the Authority