

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

March 8, 2021

A Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority convened at 12:09 p.m. on the above date at the Institute for Advanced Learning and Research, 150 Slayton Avenue, Room 207, Danville, Virginia. Present were City of Danville Members Chairman Sherman M. Saunders, J. Lee Vogler, Jr., and Alternate Dr. Gary P. Miller. (*Dr. Miller entered the meeting at 12:12 p.m.*) Pittsylvania County Members present were Vice Chairman Ronald S. Searce, Robert W. Warren, and Alternate Vic Ingram.

City/County staff members attending were: City Manager Ken Larking, Pittsylvania County Administrator David Smitherman, City of Danville Director of Economic Development Corrie Bobe, Pittsylvania County Director of Economic Development Matt Rowe, Christian & Barton Attorney Michael C. Guanzon, and Secretary to the Authority Susan DeMasi. Also present was Shawn Harden and Brian Bradner from Dewberry. *City of Danville Director of Finance/Authority Treasurer Michael Adkins, and City of Danville Accountant Henrietta Weaver, attended the meeting electronically.*

Chairman Sherman M. Saunders presided.

APPROVAL OF MODIFIED AGENDA

The Modified Agenda was approved by Roll Call vote.

PUBLIC COMMENT PERIOD

No one present desired to be heard.

APPROVAL OF MINUTES OF THE FEBRUARY 8, 2021 MEETING

Upon **Motion** by Mr. Vogler and **second** by Mr. Searce, Minutes of the February 8, 2021 Meeting were approved as presented. Draft copies had been distributed to Authority Members prior to the Meeting.

NEW BUSINESS

5A. FINANCIAL STATUS REPORTS AS OF FEBRUARY 28, 2021

Authority Treasurer Michael Adkins gave the Financial Status report as of February 28, 2021 beginning with the Cane Creek Bonds which showed no expenditures for February. General Expenditures for Fiscal Year 2021 show RIFA paid \$26 to the Pittsylvania County Clerk for the AEP relocation recording fees, and \$241 for meals. Funding Other than Bonds for the MegaSite, and Lots 1 and 2 Development at Berry Hill showed no activity for February. Under Water and Sewer infrastructure at Berry Hill, RIFA expended \$394,263 to Haymes Brothers for continued work on Phase 1 Sanitary Sewer. Rent, Interest and Other Income show RIFA received \$45,634 in rent from the Institute for the Hawkins Building, which represents January and February; because of timing, the January rent was deposited on the 1st of February. RIFA also received \$39 earned in interest, and \$1,057 from Pittsylvania County for their share of the monthly rent for Gefertec. Under Expenditures, \$22,317 was paid to the Institute for the Hawkins' Building Maintenance, and \$2,115 to the Institute for the monthly Gefertec rent.

Mr. Searce **moved** to accept the Financial Report as presented; the Motion was **seconded** by Mr. Vogler and carried by the following vote:

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

March 8, 2021

VOTE: 4-0
AYE: Searce, Warren, Saunders, and Vogler (4)
NAY: None (0)

6. CLOSED SESSION

[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.]

At 12:13 p.m. Mr. Warren **moved** that the Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority be recessed in a Closed Meeting for the following purposes:

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;

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.

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

VOTE: 4-0
AYE: Searce, Warren, Saunders, and Vogler (4)
NAY: None (0)

RETURN TO OPEN SESSION

On **Motion** by Mr. Warren and **second** by Mr. Searce and by unanimous vote at 1:25 p.m., the Authority returned to open meeting. (Reinstatement/Unmuting of Conference Line [see

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

March 8, 2021

Agenda Item 5A above].)

Mr. Searce **moved** for 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 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 the Authority.

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

VOTE: 4-0
AYE: Saunders, Vogler, Searce, Warren (4)
NAY: None (0)

CONTINUATION OF NEW BUSINESS

Mr. Warren **Moved to Amend** the Agenda to **Add Item 6FB**, in reference to a support letter from RIFA related to MVP and Southgate, and its impact on economic development only as it would be beneficial to Danville Pittsylvania Regional Industrial Facility Authority properties.

The Motion to Amend was **seconded** by Mr. Searce and carried by the following vote:

VOTE: 4-0
AYE: Searce, Warren, Saunders, and Vogler (4)
NAY: None (0)

6FA. CONSIDERATION OF RESOLUTION 2021-03-08-6FA APPROVING A GROUND LEASE WITH REALTYLINK

Mr. Rowe noted this item was a ground lease between RealtyLink Development which was developing the Aerofarms project. This will cause RealtyLink to begin the construction for site prep around the April 1st timeframe.

Mr. Warren **moved** for adoption of *Resolution 2021-02-08-6FA authorizing the negotiation, execution and delivery of a Triple Net Short-Term Ground Lease with RealtyLink Investments, LLC, a South Carolina Limited Liability Company, for new lots 3C and 3D (Part of GPINS 2347-46-9915 and 2347-35-9589) in the Authority's Cane Creek Centre project located in Pittsylvania County, Virginia, under which RealtyLink Investments, LLC, will cause the commencement of construction of intended improvements pursuant to a Sublease with the*

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

March 8, 2021

Ultimate Operator of the leased premises; and this Ground Lease is intended to replace the Contract of Sale between the parties, dated November 21, 2019, as amended.

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

VOTE: 4-0
AYE: Scearce, Warren, Saunders, and Vogler (4)
NAY: None (0)

6FB. RESOLUTION 2021-03-08-6FB APPROVING A LETTER OF SUPPORT FOR MVP SOUTHGATE (ADDED TO THE AGENDA AT MEETING)

Mr. Warren **moved** for adoption of *Resolution 2021-03-08-6FB, issuing a letter, no later than Wednesday morning at 9:00 a.m., from the Chairman indicating that Danville Pittsylvania Regional Industrial Facility Authority will support MVP in its process for air permitting because of the impact it will have on Economic Development as related in particular to the Berry Hill Project and other projects that will give RIFA more redundancy and power. To the support of it from the impact it has on Economic Development which is paramount to the regional growth, and so important to this particular body.*

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

Mr. Saunders noted he supports anything and all that will move the region forward, and they were doing just that; he was thrilled to be a part of it. Also realizing that this body was appointed by their full body and was not sure if Danville's full body was aware of this matter. As a member of that body, would simply like to hear their thoughts on it.

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

VOTE: 3-1
AYE: Scearce, Warren, and Vogler (3)
NAY: Saunders (1)

7. COMMUNICATIONS

Board Members thanked staff for all the work they do.

Meeting adjourned at 1:39 p.m.

APPROVED:

s/ Sherman M. Saunders
Chairman

s/ Susan M. DeMasi
Secretary to the Authority