

# DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

## Minutes April 11, 2011

The Regular Meeting of the Danville Pittsylvania Regional Industrial Facility Authority convened at 12:13 p.m. 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 Vice-Chairman Coy Harville and Henry A. "Hank" Davis, Jr. Pittsylvania County alternate Fred Ingram was absent.

City/County staff members attending were: City Manager Joe King, Pittsylvania County Administrator Dan Sleeper, Assistant County Administrator for Planning & Development Gregory Sides, Pittsylvania County Economic Director Ken Bowman, Danville Economic Development Director Jeremy Stratton, Danville Finance Director Barbara Dameron, Danville Senior Accountant Patricia Knutti, Clement and Wheatley Attorney Michael Guanzon, and Secretary to the Authority Susan DeMasi.

Also present were Dewberry and Davis Project Manager Shawn Harden.

Citizen in attendance was Karen Maute.

Mr. Saunders called the Meeting to order.

### **PUBLIC COMMENT PERIOD**

Karen Maute questioned the RIFA Board regarding the change in Member Locality Agreement. Mr. Sleeper responded to Ms. Maute's question. Ms. Maute also questioned the Board regarding the re-zoning of the Mega Park and asked if Mr. Davis and Mr. Harville will have to recuse themselves if/when there is a vote for re-zoning. RIFA attorney Michael Guanzon responded to Ms. Maute's question.

### **APPROVAL OF MARCH 14, 2011 MINUTES**

Upon **Motion** by Mr. Luther and **second** by Mr. Harville, Minutes of the March 14, 2011 Meeting were approved, as presented. Draft copies had been distributed to Authority Members prior to the Meeting.

### **OLD BUSINESS**

### **CONSIDERATION OF RESOLUTION NO. 2011-04-11-5A**

Mr. Luther **moved** to approve Resolution No. 2011-04-11-5A (first proposed as Resolution No. 2011-03-14-5) adopting revisions to the Authority's Amended and Restated Bylaws (adopted August 13, 2007, and last revised on February 14, 2011), as shown on the attached redlined draft. The proposed revisions authorize each member Locality, through its City Manager, County Administrator or respective designee, to incur, on behalf of the Authority, up to an aggregate amount of \$10,000.00 in reasonable expenses, related to, or arising out of, (i) developing the

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Authority's projects for a particular business prospect or (ii) marketing to a particular business prospect. Prior to incurring any such expense, the Member Locality shall consult with the other Member Locality on the identification of any such business prospect. Such expenses shall be reported to the Board at its next regular business meeting for consideration and ratification.

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

Mr. Harville noted that such expenses will be reported back to the Board at its next regular meeting as stated in the Resolution.

Mr. Davis questioned a sentence in the Resolution regarding the localities consulting with each other and asked how that would take place. RIFA attorney Michael Guanzon noted the consultation would be between the City Manager and County Administrator.

The Motion was carried by the following vote:

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

### **NEW BUSINESS**

### **UPDATE ON PROJECTS OF THE AUTHORITY**

Shawn R. Harden, PE, Manager of Civil/Economic Development, Dewberry, updated RIFA members regarding three different projects: Mega Park, Cyber Park and Cane Creek Centre. Mr. Harden noted the Phase I project in the Mega Park, has been completed with the wetlands delineation and ecological surveys. Mr. Harden further noted that they are working on the Phase II area and has been told by the archeologist that he will have completed his investigation of the remaining area. With respect to the Cyber Park, at the Sentec Building, they are trying to achieve a LEED Gold designation on this building. The building was designed with use of green products including recycled content and a green roof. Completion date is projected for December, 2011. At Cane Creek Centre, they are in the process of receiving bids on the two graded pads, lots 9 and 3 for which they received the EDA Grants.

### **CONSIDERATION OF RESOLUTION NO. 2011-04-11-6B**

Mr. Harville **moved** to approve Resolution No. 2011-04-11-6B to approve an 8 month lease to Patten Seed Company, a Georgia corporation, for that certain real property (GPIN 1356-75-8216) of the Authority, containing approximately 30 acres and fronting on Stateline Bridge Road, upon which Patten Seed Company shall plant and harvest sod and/or soybeans at a total rental fee of \$3,000.00.

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

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

### **CONSIDERATION OF RESOLUTION 2011-04-11-6C**

Mr. Davis **moved** to approve Resolution 2011-04-11-6C, authorizing and directing the Chairman or Vice Chairman of the Authority to request rezoning of any and all parcels of land constituting the Authority's Berry Hill Regional Mega Park site to the Heavy Industrial District (M-2) classification and to execute all necessary documents pertaining thereto; and authorizing proffers up to \$10,000 in the aggregate in connection therewith.

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

Mr. Shanks noted a church in this area had asked about acquiring some additional property around the church.

After discussion by Board members, the Motion was **withdrawn**, however after further discussion, Mr. Davis **renewed** his Motion to approve Resolution 2011-04-11-6C and Mr. Luther **renewed** his second of the Motion.

The Motion was passed by the following vote:

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

### **MONTHLY FINANCIAL REPORT**

Barbara Dameron, Treasurer to the Authority gave the monthly financial report as of March 31, 2011. Ms. Dameron noted there were very few transactions this month. Sheet B showed expenditures for the month were \$10,146.00 and comprised of legal fees and fees for the subservicing and exploration at Cane Creek Centre.

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

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### CLOSED MEETING

At 12:37 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. CL10000088-00), 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: Davis, Harville, Luther, and Saunders (4)  
NAY: None (0).

Upon unanimous vote at 12:45 p.m., 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: Davis, Harville, Luther, and Saunders (4)  
NAY: None (0).

### COMMUNICATIONS

Mr. Harville made an inquiry to the Board regarding negotiating with the Hunting Club and bringing this matter back to the Board in May. There were no objections from the Board.

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Mr. Harville noted that he had been approached by a gentleman regarding a farm and leasing the property for the hay. Mr. King noted that the County Attorney or the RIFA attorney would need to provide some clarification on inquiries such as this. Mr. Guanzon will look into it.

The RIFA board discussed the scope of Public Comment Period on the monthly agenda.

County Administrator Dan Sleeper noted that at the May meeting he would update the Board on the Lake House.

No further communications were heard.

The Meeting adjourned at 12:56 p.m.

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Chairman

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Clerk to the Authority