

# DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

## Minutes May 9, 2011

The Regular Meeting of the Danville Pittsylvania Regional Industrial Facility Authority convened at 12:15 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, and alternate Fred Shanks; David Luther was absent. Pittsylvania County Member Vice-Chairman Coy Harville was present; Henry A. "Hank" Davis, Jr. and Pittsylvania County alternate Fred Ingram were 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.

Mr. Saunders called the Meeting to order.

### **PUBLIC COMMENT PERIOD**

No one wished to comment.

### **APPROVAL OF APRIL 11, 2011 MINUTES**

Upon **Motion** by Mr. Shanks and **second** by Mr. Harville, Minutes of the April 11, 2011 Meeting were approved, as presented. Draft copies had been distributed to Authority Members prior to the Meeting.

### **NEW BUSINESS**

#### **CONSIDERATION OF RESOLUTION NO. 2011-05-09-5A**

Mr. Harville **moved** to approve **Resolution No. 2011-05-09-5A** approving the acceptance of a bid proposal from Haymes Brothers, Inc., a Virginia corporation, dated April 13, 2011, for the construction of graded pads and sewer line at Lot 3 (a portion of GPINs 2347-38-9745, 2347-46-0892 and 2347-35-9903) and Lot 9 ( a portion of GPINs 2347-28-9012 and 2347-46-0892) in the Authority's Cane Creek site, at a total price of \$1,225,050.

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

Mr. Harville asked if it was appropriate at this time, to consider using the surplus bid funds to grade Lot 10.

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Mr. Sleeper noted that once the Board approves Resolution 2011-05-09-5A, they can make a separate motion authorizing staff to contact the EDA and to see if the Board can amend its current scope of services regarding the \$1.6 million surplus.

The Motion was carried by the following vote:

VOTE: 3-0  
AYE: Harville, Saunders, and Shanks (3)  
NAY: None (0).

**MOTION TO CONTACT EDA – SURPLUS BID FUNDS – LOT 10**

Mr. Harville **made** a Motion to authorize the staff to contact the EDA regarding the surplus bid funds from the original \$2.2 million with respect to obtaining authorization to grade Lot 10.

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

VOTE: 3-0  
AYE: Harville, Saunders, and Shanks (3)  
NAY: None (0).

**CONSIDERATION OF RESOLUTION NO. 2011-05-09-5B**

Mr. Harville **moved** to approve **Resolution No. 2011-05-09-5B**, approving a one year lease to The Osborne Company of North Carolina, Inc., a North Carolina corporation, of approximately 100 acres of pastureland in the Authority's Mega Park site (a portion of GPINs 1366-78-4718 and 1367-70-4519), owned by the Authority, commonly known as 4380 Berry Hill Road; and the lease shall be for the use of harvesting grass hay and incidental uses acceptable to the Authority, at a total rental fee of \$800.

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

Mr. Harville noted that this lease will be very beneficial to RIFA as it will keep the land clear and from growing up, as well as providing income to the Authority.

The Motion was carried by the following vote:

VOTE: 3-0  
AYE: Harville, Saunders, and Shanks (3)  
NAY: None (0).

**CONSIDERATION OF RESOLUTION NO. 2011-05-09-5C**

Mr. Shanks **moved** to approve **Resolution No. 2011-05-09-5C**, authorizing the Authority support staff to develop a proposal for the initial development of a public river access on certain

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property owned by the Authority (a portion of GPIN 1356-75-8216), generally located along the Dan River, east from the Virginia Department of Transportation Bridge located on State Bridge Road, which access would promote the safety, health, welfare and convenience of the citizens of Pittsylvania County and the City of Danville.

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

Mr. Harville noted that he has concerns regarding this Resolution and would like Virginia's Department of Game and Inland Fisheries to review this area in order to minimize RIFA's liability.

Mr. Saunders noted the staff will take Mr. Harville's concerns into consideration. Mr. Sides noted that the City of Eden had approached the County and the County felt that before the staff spent any more time on this they wanted to confirm RIFA's position.

The Motion was carried by the following vote:

VOTE: 3-0  
AYE: Harville, Saunders, and Shanks (3)  
NAY: None (0).

### **MONTHLY FINANCIAL REPORT**

Mr. Harville **moved** to accept the financial report as prepared by Barbara Dameron, Treasurer to the Authority. The Motion was **seconded** by Mr. Shanks and carried by the following vote:

VOTE: 3-0  
AYE: Harville, Saunders, and Shanks (3)  
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. CL10000088-00), where such consultation or briefing in open meeting would adversely affect the litigating posture of the Authority, and

As permitted by Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended, for discussion or consideration of the sale to Harmony United Methodist Church of that certain real property (a portion of GPIN 1356-75-8216), located in the Authority's Mega Park site, fronting on Oak Hill Road, and containing 10.44 acres, more or less, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Authority.

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

VOTE: 3-0  
AYE: Harville, Saunders, and Shanks (3)  
NAY: None (0).

Upon unanimous vote at 12:38 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. Shanks and carried by the following vote:

VOTE: 3-0  
AYE: Harville, Saunders, and Shanks (3)  
NAY: None (0).

**ACTION ON MATTERS CONSIDERED IN CLOSED MEETING**

Mr. Harville **moved** to approve **Resolution No. 2011-05-09-7**, to approve the sale to Harmony United Methodist Church of that certain real property (a portion of GPIN 1356-75-8216), located in the Authority's Mega Park site, fronting on Oak Hill Road, and containing 10.44 acres, more or less.

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

Mr. Sleeper noted that under Article 2.1, the execution date would be the regular closing date, and the deposit would be \$1,000; under Article 3.1 the purchase is \$3,500 per acre.

Mr. Guanzon noted the Authority would need an amended Motion to include those figures.

Mr. Harville **moved** to **amend** the Motion to include the \$1,000 deposit as well as the \$3,500 per acre purchase price.

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Mr. Shanks **seconded** the **amended Motion** and the Motion was carried by the following vote:

VOTE: 3-0  
AYE: Harville, Saunders, and Shanks (3)  
NAY: None (0).

**COMMUNICATIONS**

Mr. King pointed out the illustration of the new EIT building and noted that several members were in attendance at the ground breaking.

No further communications were heard.

Upon **Motion** by Mr. Harville and **second** by Mr. Shanks, the meeting was adjourned at 12:42 p.m.

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Chairman

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Clerk to the Authority