

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY  
Minutes  
November 14, 2013

The Regular Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority convened at 12:18 p.m. on the above date in the Danville Regional Airport Conference Room, 424 Airport Drive, Danville, Virginia. Present were City of Danville Members Chairman Sherman M. Saunders, Fred O. Shanks, III and Alternate J. Lee Vogler. Pittsylvania County Members present were Vice Chairman Coy E. Harville, James Snead, and alternate Jessie L. Barksdale.

City/County staff members attending were: City Manager Joe King, Interim Pittsylvania County Administrator Otis Hawker, City of Danville Finance Director/Authority Treasurer Barbara Dameron, Assistant County Administrator for Planning & Development Gregory Sides, City of Danville Director of Public Works Ric Drazenovich, Governmental Affairs Consultant Linwood Wright, City of Danville Senior Accountant Patricia Conner, Clement & Wheatley Attorney Michael Guanzon and Secretary to the Authority Susan DeMasi.

*Chairman Saunders called for a moment of silence for the people in the Philippines and asked everyone to keep in their thoughts RIFA's attorney who has family in that area.*

**PUBLIC COMMENT PERIOD**

No one present desired to be heard.

**APPROVAL OF MINUTES OF THE OCTOBER 17, 2013 MEETING**

Upon **Motion** by Mr. Snead and **second** by Mr. Harville, Minutes of the October 17, 2013 meeting were approved as presented. Draft copies had been distributed to Authority Members prior to the Meeting. Mr. Harville commended the City for all they did coordinating the event with the Chinese company that day.

**NEW BUSINESS**

**5A. CONSIDERATION – RESOLUTION 2013-11-14-5A – RATIFYING AGREEMENT DATED OCTOBER 22, 2013 BETWEEN THE AUTHORITY AND JONES LANG LASALLE**

Mr. Harville **moved** adoption of *Resolution 2013-11-14-5A ratifying that certain Agreement dated October 22, 2013, by and between the Authority and Jones Lang LaSalle Americas, Inc., a Maryland corporation, at an aggregate fee not to exceed \$95,000.00, for the project entitled, "Berry Hill Mega Park Market Analysis", in support of the Authority's application to the United States Army Corps of Engineers for certain environmental permits for the Authority's Mega Park Project.*

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

Governmental Affairs Consultant Linwood Wright noted Jones Lang LaSalle has visited Danville, toured the Park and are very optimistic about being able to help RIFA. After questions from RIFA members, the **Motion** was carried by the following vote:

VOTE: 4-0  
AYE: Harville, Snead, Saunders, Shanks (4)  
NAY: None (0)

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**5B. CONSIDERATION – RESOLUTION 2013-11-14-5B – AUTHORIZING AUTHORITY TO TABLE OR CAUSE TO BE TABLED ITS FY14 GRANT APPLICATION ENTITLED “BERRY HILL MEGA PARK – ENVIRONMENTAL PERMITTING”**

Mr. Shanks **moved** adoption of *Resolution 2013-11-14-5B, authorizing the Authority to table or cause to be tabled its Fiscal Year 2014 grant application entitled, “Berry Hill Mega Park – Environmental Permitting”, to the Virginia Tobacco Indemnification and Community Revitalization Commission, in order to place such application in the light most favorable to the Authority.*

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

Assistant County Administrator for Planning & Development Gregory Sides noted staff was contacted by the Tobacco Commission asking if RIFA’s application could be delayed. It was explained to Mr. Sides the Commission had received over \$20M in applications with only \$12M in available funding. The request is that RIFA table its application to allow the Commission to fulfill some of the other obligations and allow RIFA to come back in the future. After discussion with the Commission, staff agreed to the tabling language as opposed to withdrawing the application.

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

VOTE: 4-0  
AYE: Harville, Snead, Saunders, Shanks (4)  
NAY: None (0)

**5C. CONSIDERATION – RESOLUTION 2013-11-14-5C – AUTHORIZING GRANT OF SANITARY SEWER EASEMENT TO PCSA**

Mr. Snead moved adoption of *Resolution 2013-11-14-5C, authorizing the grant of a sanitary sewer easement to Pittsylvania County Service Authority, a political subdivision of the Commonwealth of Virginia, over the northern margin of Lot 8 (GPIN 2347-26-0382), in the Authority’s Cane Creek Centre project, in Pittsylvania County, Virginia, in connection with that certain Memorandum of Agreement dated October 17, 2013, approved under Resolution No. 2013-10-17-3E-1.*

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

Mr. Sides explained this sewer easement will allow access from the existing sanitary sewer line that runs along Cane Creek through Lot 8.

Mr. Harville noted he would abstain from voting on this matter as he serves on the Pittsylvania County Service Authority Board.

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

VOTE: 4-0  
AYE: Snead, Barksdale, Saunders, Shanks (4)  
NAY: None (0)

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**5D. FINANCIAL STATUS REPORT AS OF OCTOBER 31, 2013**

Authority Treasurer Barbara Dameron gave the Financial Report as of October 31, 2013 noting under Cane Creek Bond/Refunding Cost, staff has increased that \$12,500 for the bond issue costs to refund the Cane Creek Bonds. There was approximately \$3,000 for wetland monitoring to Dewberry & Davis and \$163,308 in Clement & Wheatley's trust account to handle the settlement on the Lakeside Farm property. Under General Fund Expenditures for FY13, \$9,354 is for Clement & Wheatley legal invoices applying to that year. The General Expenditures for FY14 show \$3,259 expended; the majority of that was \$3,000 to Brown & Edwards for the work on the audit. Under Mega Park Funding with Bonds, there is no change. Berry Hill Mega Park Lot 4 Site Development shows \$1,866 for Wetland Studies and Solutions. Rental Income is listed out individually and Expenditures show \$9,383 remitted to the Institute for property management.

Mr. Harville **moved** to accept the Financial Report as presented. The Motion was **seconded** by Mr. Snead and carried by the following vote:

VOTE: 4-0  
AYE: Harville, Snead, Saunders, Shanks (4)  
NAY: None (0)

**6A. CLOSED SESSION**

*Chairman Saunders noted that 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.*

A. At 12:28 p.m., Mr. Shanks **moved** that the Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority be recessed in a Closed Meeting as permitted by Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended, for discussion or consideration of the disposition of real property for a public purpose to develop the Authority's Cane Creek Centre project, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Authority.

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

VOTE: 4-0  
AYE: Harville, Snead, Saunders, Shanks (4)  
NAY: None (0)

On **Motion** by Mr. Harville and **second** by Mr. Snead and by unanimous vote at 1:04 p.m., the Authority returned to open meeting.

Mr. Snead **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

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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. Harville and carried by the following vote:

VOTE: 4-0  
AYE: Harville, Snead, Saunders, Shanks (4)  
NAY: None (0)

Authority Attorney Michael Guanzon noted for the record he was putting on the table Resolution Number 2013-11-14-6D, a Resolution approving that certain Cane Creek Lot 8 Cooperation Agreement with the Industrial Development Authority of Danville, Virginia, a political subdivision of the Commonwealth of Virginia, (the "IDA"), for the grading, site preparation and conveyance of Lot 8 in the Authority's Cane Creek Centre Industrial Park to the IDA, at a purchase price of \$10, in connection with that certain Memorandum of Agreement dated October 17, 2013, approved under Resolution No. 2013-10-17-3E1.

**6D. CONSIDERATION – RESOLUTION 2013-11-14-6D**

Mr. Shanks **moved** adoption of *Resolution Number 2013-11-14-6D, a Resolution approving that certain Cane Creek Lot 8 Cooperation Agreement with the Industrial Development Authority of Danville, Virginia, a political subdivision of the Commonwealth of Virginia, (the "IDA"), for the grading, site preparation and conveyance of Lot 8 in the Authority's Cane Creek Centre Industrial Park to the IDA, at a purchase price of \$10, in connection with that certain Memorandum of Agreement dated October 17, 2013, approved under Resolution No. 2013-10-17-3E1.*

The Motion was **seconded** by Council Member Snead and carried by the following vote:

VOTE: 4-0  
AYE: Harville, Snead, Saunders, Shanks (4)  
NAY: None (0)

**COMMUNICATIONS**

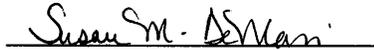
Mr. Harville asked the Board to review the status of Dewberry and the Authority. Mr. Sides noted staff has discussed this, Finance will review all of the outstanding contracts and staff will report back to the Board.

Upon requests from Board members, Mr. King agreed to have staff prepare an update of RIFA's current active projects.

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MEETING ADJOURNED AT 1:12 P.M.

  
Chairman

  
Secretary to the Authority