

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

February 12, 2018

The Regular Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority convened at 12:15 p.m. on the above date in the Danville Regional Airport Conference Room, 424 Airport Drive, Danville, Virginia. Present were City of Danville Members Vice Chairman Sherman M. Saunders, and Alternate J. Lee Vogler; Fred O. Shanks, III was absent. Pittsylvania County Members present were Chairman Robert W. Warren and Ronald S. Searce; Alternate Elton W. Blackstock was absent. *Mr. Saunders entered the meeting at 12:16 p.m.*

City/County staff members attending were: City Manager Ken Larking, Pittsylvania County Administrator David Smitherman, Assistant County Administrator for Planning & Development Gregory Sides, Assistant Director of Economic Development Corrie Teague Bobe, Project Manager Kelvin Perry, City of Danville Director of Finance Michael Adkins, Senior Accountant Henrietta Weaver, Clement Wheatley Attorney Michael Guanzon and Secretary to the Authority Susan DeMasi. Also present were Brian Bradner from Dewberry & Davis and Danville City Council Member Madison Whittle.

**PUBLIC COMMENT PERIOD**

Mr. Warren recognized Coy Harville, Pittsylvania County, who requested to comment on the new plant at the Berry Hill Mega Park. Mr. Harville noted there have been a few meetings and a lot of information coming out regarding dust particles. Mr. Harville also commented on the road work by VDOT, traffic volume and tractor trailer traffic and noted he hopes the Board doesn't move forward with it.

Mr. Warren recognized Gordon Jones who explained his property is adjacent to the Mega Park, will be very close to the new company and hoped there was some way the company could share information with citizens and property owners concerning operation. A lot of the information coming out is negative concerning dust, particles in the air and odor; the only way that can be resolved, in his opinion, for the property owners is to have a site visit or a public meeting.

**APPROVAL OF MINUTES FOR THE JANUARY 11, 2018 MEETING**

Upon **Motion** by Mr. Saunders and **second** by Mr. Searce, Minutes of the January 11, 2018 Meeting were approved as presented. Draft copies had been distributed to Authority Members prior to the Meeting.

**NEW BUSINESS**

**5A. CONSIDERATION – RESOLUTION 2018-02-12-5A – APPROVING CHANGE ORDER NUMBER 4 – HAYMES BROTHERS**

Brian Bradner with Dewberry explained this Change Order is the last change order on the project; the project is complete. It makes an accounting for all the unit price items within the contract, it is more of an accounting to rectify all the appropriate quantities that were paid. Mr. Bradner noted the project was completed ahead of schedule and about \$1.8M under budget.

Mr. Vogler **moved** for adoption of Resolution No. 2018-02-12-5A, *approving Change Order 4 to the site development work by Haymes Brothers, Inc., a Virginia corporation, originally*

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*approved under Resolution No. 2017-02-24-4A, including a quantity adjustment to close out the unit cost for silt fence, wetland protection fence and rock excavation and removal of unsuitable soil, increasing the contract price by \$91,401.26.*

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

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

**5B. FINANCIAL STATUS REPORT AS OF JANUARY 31, 2018**

Authority Treasurer Michael Adkins gave the Financial Status report as of January 31, 2018 beginning with the \$7.3M Bonds for Cane Creek which showed no activity for the month of January. General Expenditures shows RIFA reimbursed Sue DeMasi \$54.00 for a plaque and supplies for the last meeting, \$1,850 for RIFA's TIGER Grant application review, \$7,500 to Chimura who provided the analytics for the TIGER and INFRA Grants, \$38,415 to Clement & Wheatley for ongoing legal services, \$550 for the annual fee to U.S. Bank for RIFA's bond administration fee, \$261 for meals and \$31 for monthly utilities. Mega Park Funding Other than Bond Funds showed no activity for the month of January. Berry Hill Lot 4 Site Development shows RIFA paid an invoice to Haymes Brothers for \$273,182 for Lot 4 grading. Rent, Interest and Other Income shows RIFA received \$21,400 from the Institute for Advanced Learning and Research, a \$1,200 lease payment from Mountain View Farms, and earned \$437 in interest. The monthly expenditure is the \$21,400 paid to the Institute for the Hawkins' Building maintenance.

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

VOTE: 4-0  
AYE: Warren, Searce, 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 12:23 p.m. Mr. Saunders **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 § 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;

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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 Berry Hill Mega Site 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 the Authority's Berry Hill Mega Site project subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease); and

B. 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: Warren, Searce, Saunders and Vogler (4)  
NAY: None (0)

D. On **Motion** by Mr. Saunders and **second** by Mr. Searce and by unanimous vote at 12:39 p.m., the Authority returned to open meeting.

E. Mr. Searce **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 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: Warren, Searce, Saunders and Vogler (4)

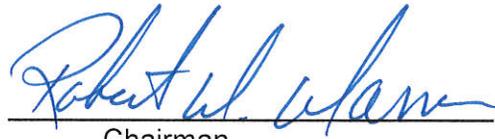
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NAY:           None (0)

**7. COMMUNICATIONS**

Mr. Warren thanked staff and members for attending the meeting today.

Meeting adjourned at 12:40 p.m.

  
Chairman

  
Secretary to the Authority