

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

August 9, 2021

A Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority convened at 12:10 p.m. on the above date at the Institute for Advanced Learning and Research, 150 Slayton Avenue, Room 206, Danville, Virginia. Present were City of Danville Members Chairman Sherman M. Saunders, J. Lee Vogler, Jr., and Alternate Dr. Gary P. Miller. Pittsylvania County Members present were Robert W. Warren and Alternate Vic Ingram; Vice Chairman Ronald S. Searce was absent. *Dr. Miller entered the meeting at 12:23 p.m.*

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, Pittsylvania County Project Manager Kattie Saunders, Christian & Barton Attorney Michael C. Guanzon, and Secretary to the Authority Susan DeMasi. Also present were Brian Bradner and Shawn Harden from Dewberry. *City of Danville Accountant Henrietta Weaver attended the meeting electronically.*

Chairman Sherman M. Saunders presided.

PUBLIC COMMENT PERIOD

No one present desired to be heard.

APPROVAL OF MINUTES OF THE JULY 12, 2021 MEETING

Upon **Motion** by Mr. Warren and **second** by Mr. Vogler, Minutes of the July 12, 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 JULY 31, 2021

City of Danville Accountant Henrietta Weaver gave the Financial Status report as of July 31, 2021 beginning with the Cane Creek Bonds which showed RIFA paid \$6,377 to Dewberry for Wetland Monitoring. General Expenditures for Fiscal Year 2021 show RIFA paid \$72,715 to Christian & Barton for Legal Fees, \$191 for meals, \$54 postage and \$31 for utilities. Fiscal Year 2022 General Expenditures show RIFA received \$75,000 each from the City and County and paid \$2,623 for RIFA's Insurance. Berry Hill Mega Park showed no expenditures for the month of July, Berry Hill Lots 1 and 2 showed no activity for July, and Water and Sewer at Berry Hill showed RIFA expended \$92,185 to Haymes Brothers for Phase 1 Sanitary Sewer Construction Expenses. Rent, Interest and Other Income for the last fiscal year show RIFA received \$26 in interest for the Money Market account. Current Year Rent Interest and Other Income showed RIFA received \$58,500 from both the City and County for Morgan Olsen incentives, for a total \$117,000.

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

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

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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 12:14 p.m. Mr. Vogler **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; and

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; and

D. As permitted by Virginia Code § 2.2-3711(A)(8) for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

E. As permitted by Virginia Code § 2.2-3711(A)(29) for discussion of the award of a public contract involving the expenditures of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Authority.

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

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

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RETURN TO OPEN SESSION

On **Motion** by Mr. Warren and **second** by Mr. Vogler and by unanimous vote at 1:09 p.m., the Authority returned to open meeting.

Mr. Ingram **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: Warren, Ingram, Saunders, and Vogler (4)
NAY: None (0)

(The Zoom call was not reconnected due to technical problems.)

COMMUNICATIONS

Mr. Saunders noted members of RIFA may have received a copy of a letter that he received from Mr. Warren; Mr. Saunders noted he would be responding to the letter and they will receive a copy of the response. Mr. Warren noted the letter was from the Board of Supervisors, and he just signed as Chairman.

Meeting Adjourned at 1:15 PM

APPROVED:

s/ Sherman M. Saunders
Chairman

s/ Susan M. DeMasi
Secretary to the Authority