

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

November 8, 2021

A Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority convened at 12:09 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 Vice Chairman Ronald S. Scarce; Alternate Vic Ingram was absent.

City/County staff members attending were: City Manager Ken Larking, Pittsylvania County Administrator David Smitherman, Deputy City Manager Earl Reynolds, City of Danville Director of Economic Development Corrie Bobe, Assistant Director of Economic Development Barbara Fiedor, Pittsylvania County Director of Economic Development Matt Rowe, Pittsylvania County Project Manager Kattie Saunders, City of Danville Budget Director Henrietta Weaver, Christian & Barton Attorney Michael C. Guanzon, and Secretary to the Authority Susan DeMasi. Also present were Shawn Harden from Dewberry, Danville City Council Member Barry Mayo, Executive Director of the Institute for Advanced Learning and Research Mark Gignac and Graham Smith.

Chairman Sherman Saunders presided.

PUBLIC COMMENT PERIOD

No one present desired to be heard.

Mr. Saunders welcomed and congratulated Henrietta Weaver, the new Budget Director for the City of Danville, and welcomed Council Member Barry Mayo. City Manager Ken Larking introduced the City of Danville's Assistant Director of Economic Development Barbara Fiedor.

APPROVAL OF MINUTES OF THE OCTOBER 12, 2021 MEETING

Upon **Motion** by Mr. Scarce and **second** by Mr. Vogler, Minutes of the October 12, 2021 Meeting were approved as presented. Draft copies had been distributed to Authority Members prior to the Meeting.

NEW BUSINESS

5A. FINANCIAL STATUS REPORT AS OF OCTOBER 31, 2021

Danville Budget Director Henrietta Weaver gave the Financial Status report as of October 31, 2021 beginning with Cane Creek Bonds which showed no activity for the month of October. General Expenditures for Fiscal Year 2022 show RIFA paid River District Electrical \$3,511 for electrical lines to the Berry Hill signs, Sellers Brothers \$5,420 for landscaping work, \$315 for meal and \$36 for utilities. Berry Hill Funding Other than Bonds, and Lots 1 and 2, showed no activity for October. Water and Sewer at Berry Hill showed \$85,340 expended to Dewberry for work under Amendment #28. Cyberpark Site Development showed no expenditures. Rent, Interest and Other Income for FY 22 show RIFA received \$21,966 in rent from the Institute, interest on the money market account of \$23, received an extension fee from Danville Greenlight of \$10,000, MEP rent from the City of \$36,786 and from the County of \$4,613. Expenses for October were for the Hawkins' Building property management of \$21,966 and rent for MEP of \$14,300.

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

VOTE: 4-0
AYE: Scarce, Warren, 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 12:19 p.m. Mr. Scarce **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.

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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. Vogler and carried by the following vote:

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

RETURN TO OPEN SESSION

On **Motion** by Mr. Vogler and **second** by Mr. Searce and by unanimous vote at 1:38 p.m., the Authority returned to open meeting.

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

NEW BUSINESS CONTINUED

7A. REPORT ON NEW ENTRANCE SIGNAGE AT THE INSTITUTE FOR ADVANCED LEARNING AND RESEARCH

Executive Director of the Institute for Advanced Learning and Research, Mark Gignac, introduced Graham Smith with Site Collaborative. Mr. Gignac explained one of the things they wanted to do was elevate the campus, and they engaged Site Collaborative Services to look at both landscaping, walkways around the campus as well as signage. They were looking to improve the signage both in the buildings and on the streets. Mr. Gignac noted they were asking for two things: they would like to remove the small sign in front of the building and asking permission to build a new sign, and put up three of those. They want to add the three

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signs at each of the three entrances to the campus; as a part of the new facility that was under construction, they would also add the same sign there for unity in the signage.

Mr. Smith noted the overall goal was to create more of a campus feel with identification that showed people they were at the Institute. There were some small signs they were proposing internal to each site, and some directional signage because some of the parking lots can be confusing as to direction. They have talked to the City, and Public Works has agreed to this, but two of the signs will be partially in the right of way, and the third one will be fully in the right of way. They worked through the site distance triangles of DOT, looked at any blockage, and they were doing a very limited amount of low planting. They worked on the locations with Brian Dunevant and Rick Drazenovich. The public right of way was rather wide, it was built for some things that may not be built in the future, but it does allow for a future sidewalk, possibly internal sidewalks that could help with pedestrian access. The City would have to sign off on a right of way easement agreement.

Mr. Guanzon explained if the concept was acceptable, when they were ready, they would need to come to get official approval. The lease between the Institute and RIFA needed to be looked at as far as process. In addition to the City ordinance, there were the Restrictive Covenants within the Cyber Park which were different and can be more stringent. Once they have the size and the type of materials, it needs to go to the City to Planning. They would look at the City sign ordinance, review it on behalf of RIFA, review the Restrictive Covenants to make sure they were in compliance, and the City will make a recommendation. Mr. Guanzon reviewed the timeline for submitting the matter to the RIFA board for review. Mr. Gignac noted this wasn't very time sensitive, it was part of the long-range plan to improve the campus. Mr. Larking noted they would get consensus from the Board to proceed, staff will move forward with the administrative items and get something for the Board's final approval at a later date.

Mr. Guanzon noted if there were no objections to the concept of looking at this, staff will work with the Institute staff on the remaining steps which would be the actual locations, the renderings, and the building materials to be submitted to the City for compliance with the City's sign ordinance that covers the Cyber Park. Secondly, they would review the Restrictive Covenants of the Cyber Park, because there were some requirements on distance from the side which were not necessarily identical to the City ordinance.

Mr. Warren made a **Motion** that the RIFA Attorney and Staff work with the Institute and Mark Gignac toward a final resolution on a proposal to be presented to the Board for approval of the sign changes in the near future.

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

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

COMMUNICATIONS

Mr. Guanzon reminded the Board that his firm's contract with RIFA expires at the next RIFA meeting. Mr. Saunders asked Mr. Larking and Mr. Smitherman to work with staff to start putting a contract together for the Board to take action in terms of keeping Mr. Guanzon as

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the Board's attorney.

Meeting Adjourned at 2:00 PM

APPROVED:

s/ Sherman M. Saunders
Chairman

s/ Susan M. DeMasi
Secretary to the Authority