

STAUNTON RIVER REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

December 1, 2020

The regular meeting of the Staunton River Regional Industrial Facility Authority was convened at 1:30 p.m. on the above date at the Community Center, 115 South Main Street, Chatham, VA 24531. Present were Pittsylvania County members Ben Farmer, Tim Dudley, and alternate Dr. Charles H. Miller. Town of Hurt members present were Shirley Barksdale-Hill and Steve Watson. City of Danville members present were Sherman Saunders, Lee Vogler, and alternate Larry Campbell.

County/Town/City staff members attending were: County Administrator David Smitherman; City Manager Ken Larking; County Director of Economic Development Matthew Rowe; City Director of Economic Development Corrie Bobe; County Project Manager Susan McCulloch; County Finance Director Kim Van Der Hyde; and Clement Wheatley Attorney Jennifer Burnett.

ROLL CALL AND CONFIRMATION OF QUORUM

Matthew Rowe, Acting Secretary, read the roll call and confirmed that a quorum was present.

PUBLIC COMMENT PERIOD

No one desired to be heard.

APPROVAL OF MINUTES

Upon **Motion** by Mr. Vogler and **seconded** by Mr. Miller, minutes of the August 21, 2020 meeting was unanimously approved as presented.

NEW BUSINESS

A. General Expenditures Reports as of August 31, 2020, September 30, 2020 and October 31, 2020 and review of the Financial Report for the Year Ended June 30, 2020– Kim Van Der Hyde, Director of Finance, Pittsylvania County, Virginia

Mrs. Van Der Hyde discussed the two months of General Expenditure Reports and there were no questions.

Mrs. Van Der Hyde discussed the Financial Report for the Year Ended June 30, 2020 and Mr. Dudley asked if the \$15,000 discussed was from Altavista. Mrs. Van Der Hyde said that that amount was \$40,000 and was applied toward land purchase.

Mrs. Van Der Hyde discussed the audit review. There were no questions.

Mr. Farmer **moved** to accept the Treasurer's Report; the Motion was **seconded** by Mr. Vogler and unanimously approved.

B. Consideration of Resolution No. 2020-12-01-5B, approving a Performance Agreement by and among the Authority, the County of Pittsylvania, Virginia, Staunton River Plastics, LLC, and the Virginia Economic Development Partnership Authority, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference (the "COF Performance Agreement"), for the COF Grant from the Commonwealth's Development Opportunity Fund, which is an incentive included in that certain Local Performance Agreement with Staunton River Plastics, LLC approved by the Authority as Resolution No. 2020-05-08-4A at the Authority's Board meeting on May 8, 2020, on such terms and conditions as presented at this meeting by Authority Staff and set forth in the COF Performance Agreement, which are determined by the Board of the Authority to be in the best interests of the Authority and the citizens of its member localities, and authorizing the Chairman or Vice Chairman of the Authority, each of whom may act independently of the other, to execute and deliver the COF Performance Agreement for and on behalf of the Authority, together with such amendments, deletions or additions as may be approved by the Chairman or Vice Chairman, such execution of the COF Performance Agreement by the Chairman or the Vice Chairman, as the case may be, to conclusively establish his approval of any amendments, deletions or additions thereto, and further authorizing and directing staff and other agents and representatives working on behalf of the Authority to take such actions and to do all such things as are contemplated in the COF Performance Agreement, or as they in their discretion deem necessary or appropriate in order to carry out the intent and purpose of this Resolution – Matthew Rowe, Director, Economic Development, Pittsylvania County, Virginia [NO SEPARATE WRITTEN RESOLUTION]

Mr. Rowe stated that the Announcement for Staunton River Plastics was on May 8, 2020, and that the document being discussed is the State's Commonwealth Opportunity Fund Performance Agreement. The County and City learned from experience the DP RIFA that the Authority also needs to approve the Agreements in addition to the Company and Board/Council of the Localities.

All parties provide incentives and reap benefits. Staff is presenting the LPA for SR RIFA to consider. The Company, its legal team, and County/City and their legal teams reviewed and agreed to the COF Performance Agreement.

Mr. Rowe provided a brief update. The 150K sf building design is being worked on by engineers, and VA DEQ has received the stormwater permit. Everything is moving along well.

There were no questions.

Mr. Dudley **moved** to approve Resolution 2020-12-01-5B; the Motion was **seconded** by Mr. Miller and carried by the following vote:

VOTE: 6-0

AYE: Farmer: Miller; Barksdale-Hill; Watson; Saunders Vogler (6)

NAY: None (0)

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 1:56 p.m. Mr. Vogler **moved** that the meeting of the Staunton River Industrial Facility Authority be recessed in a closed meeting for the following purposes:

[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. 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) 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 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 commonly known as the Southern Virginia Multimodal Park, in Hurt, Virginia, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Authority; and C. As permitted by Virginia Code § 2.2-3711(A)(5) for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

The Motion was **seconded** by Ms. Barksdale-Hill and carried by the following vote:

VOTE: 6-0

AYE: Farmer; Miller; Barksdale-Hill; Watson; Saunders Vogler (6)

NAY: None (0)

RETURN TO OPEN SESSION

D. Confirmation of Motion and Vote to Reconvene in Open Meeting

On **Motion** by Mr. Dudley and **seconded** by Mr. Miller and by unanimous vote at 2:41 p.m., the Authority returned to open meeting.

E. Motion to Certify Closed Meeting

Mr. Vogler **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. Farmer and carried by the following vote:

VOTE: 6-0

AYE: Farmer; Miller; Barksdale-Hill; Watson; Saunders Vogler (6)

NAY: None (0)

F. Consideration of Resolution No. 2020-12-01-6F, approving Item 1 (Delineation & Reporting of Wetlands and Waters of the U.S.) of that certain Proposal for Professional Engineering and Environmental Services, recommended by Authority Staff, authorizing Dewberry Engineers, Inc. to conduct a wetland investigation of approximately ninety (90) acres in the Southern Virginia Multimodal Park in Hurt, Virginia, to identify approximate limits of jurisdictional wetlands and Waters of the U.S. on the subject parcel in connection with the fifty (50) acre graded pad approved as part of Resolution No. 2020-08-21-5D, for a lump sum fee of \$32,800.00, on the terms and conditions set forth in such Proposal with respect to Item 1 therein, a copy of which is attached hereto as Exhibit B and incorporated herein by this reference, and on such additional terms and conditions as may be approved by the Authority's Chairman or Vice Chairman, either of whom may act independently of the other, the execution of same by the Authority's Chairman or Vice Chairman to conclusively establish his approval of any further terms and conditions, so long as the total cost thereof does not exceed a fifteen percent (15%) increase to the original lump sum fee, and authorizing and directing the Authority's Chairman or Vice Chairman, either of whom may act independently of the other, to execute such Proposal with respect to Item 1 only, and authorizing and directing staff and other agents and representatives working on behalf of the Authority to take such actions and to do all such things as are contemplated in the Proposal with respect to Item 1 only, or as they in their discretion deem necessary or appropriate in order to carry out the intent and purpose of this Resolution – Matthew Rowe, Director of Economic Development, Pittsylvania County, Virginia [NO SEPARATE WRITTEN RESOLUTION]

There were no questions about this item.

Mr. Vogler **moved** to approve Resolution 2020-12-01-6F; the Motion was **seconded** by Mr. Farmer and carried by the following vote:

VOTE: 6-0

AYE: Farmer; Miller; Barksdale-Hill; Watson; Saunders Vogler (6)

NAY: None (0)

COMMUNICATIONS

Mr. Saunders asked Mr. Rowe and Ms. Bobe with the pandemic, unemployment, economy with this environment and the uncertainties due to the pandemic what impact if any does it have on efforts in economic development. Ms. Bobe said the hospitals and service base increased services. She said it added extra work, but we are fortunate as a region if businesses closed plants ahead of the pandemic. Goodyear paused operations for 3-4 weeks but has reopened.

Mr. Rowe said that he echoed what Ms. Bobe said, that things slowed down, and that the restrictions added an extra layer to each project. We are seeing an acceleration in manufacturers coming back to the US and seeking certain sized markets with good workforce. This is due to the Board's work and the environment that reduces risk to set up faster.

Mr. Saunders asked if there were travel restrictions, and how virtual visits were going. Mr. Rowe said that domestic recruitment was up and that site selectors are renting RVs to adapt and visit.

NEXT MEETING

Ms. Burnett stated that the next meeting would be a special called meeting.

The meeting adjourned at 2:55 p.m.



Chairman



Secretary to the Authority

