

VIRGINIA: AT THE REGULAR MEETING OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF DINWIDDIE COUNTY, VIRGINIA, HELD ELECTRONICALLY IN DINWIDDIE, VIRGINIA, ON NOVEMBER 23, 2020 AT 7:00 P.M.

PRESENT: JAMES VANLANDINGHAM - CHAIRMAN
MICHELLE OLGERS - VICE-CHAIRMAN
ROBERT SPIERS - SECRETARY-TREASURER
WILLIAM JONES
ALAN W. KISSNER
SHARON YATES

ABSENT: MAXWELL WATKINS

ADMINISTRATION PRESENT: TAMMIE COLLINS, DEPUTY COUNTY ADMINISTRATOR
FOR PLANNING AND COMMUNITY DEVELOPMENT
TYLER C. SOUTHALL, COUNTY ATTORNEY
MORGAN INGRAM, ECONOMIC DEVELOPMENT DIRECTOR

1. CALL TO ORDER AND ROLL CALL

Mr. VanLandingham called the meeting to order at 7:07 P.M. He then made the following statement. "Welcome to the November 23, 2020 meeting of the Industrial Development Authority of Dinwiddie County, Virginia. I am Jim VanLandingham, and I presently serve as Chair of the IDA. Because of the threat posed to in-person meetings by COVID-19, this meeting is being held electronically in conformity and compliance with the Pandemic Disaster Continuity of Operations Ordinance approved by the Dinwiddie County Board of Supervisors on April 14, 2020 and renewed September 15, 2020. Notice of this meeting, including dial-in information for this meeting, was provided in the public notice for this meeting as well as the published meeting agenda. As was stated on the agenda for this meeting, Morgan Ingram, who is the Dinwiddie County Director of Economic Development, was responsible for receiving comments or questions related to the meeting. Mr. Southall is County Attorney and legal counsel to the IDA. Mr. Southall, may we please have the Roll Call?" Mr. Southall called roll.

Mr. VanLandingham was electronically present from North Dinwiddie, VA. Ms. Olgers was electronically present from her home in Sutherland, VA. Mr. Spiers was electronically present from a residence in Stoney Creek, Va. Mr. Jones was electronically present from Dinwiddie, VA. Mr. Kissner was electronically present at 7:13 P.M. from his home in North Dinwiddie, VA. Mr. Watkins was absent. Ms. Yates was electronically present from her home in Dinwiddie, VA.

2. APPROVAL OF/AMENDMENTS TO AGENDA

Mr. VanLandingham asked if there needed to be any amendments to the agenda. None were needed.

Upon motion by Mr. Jones to adopt the amended agenda, seconded by Ms. Yates, the agenda was adopted by the following vote.

Ayes: Mr. VanLandingham, Ms. Olgers, Mr. Spiers, Mr. Jones, Ms. Yates
Nays: None
Absent: Mr. Kissner, Mr. Watkins

3. APPROVAL OF MINUTES

Mr. VanLandingham asked to move on to the minutes from the October 8, 2020 Regular Meeting. He asked if any additions or changes were needed. Mr. Southall noted two corrections.

Upon motion by Ms. Olgers, and a second by Mr. Jones, the minutes for the October 8, 2020 meeting were approved as amended by the following vote.

Ayes: Mr. VanLandingham, Ms. Olgers, Mr. Spiers, Mr. Jones, Ms. Yates
Nays: None
Absent: Mr. Watkins
Abstain: Mr. Kissner

4. TREASURER'S REPORT

Mr. Spiers started the Treasurer's report, as of November 20, 2020. The IDA had started with a checking account balance of \$344,352.78 and after the second round of grants there was \$151,852.78. Mr. Spiers stated that the Touchstone CD had a balance of \$68,696.61. Mr. Spiers went on to state that the second Touchstone CD had a balance of \$104,940.91. The total IDA funds are \$363,556.64.

Upon motion of Ms. Yates, and a second by Mr. Jones, the Treasurer's Report, as of November 20, 2020, was adopted as presented.

Ayes: Mr. VanLandingham, Ms. Olgers, Mr. Spiers, Mr. Jones, Mr. Kissner, Ms. Yates
Nays: None
Absent: Mr. Watkins

5. PUBLIC COMMENTS

Ms. Collins noted no public comments had been received prior to the meeting and no one signed up to speak prior to the meeting.

6. CLOSED SESSION

Mr. VanLandingham asked Mr. Southall to take the Board into closed session. Mr. Southall noted a need to go into closed session under:

§2.2-3711 (A) (5) Business and Industry Development

- Regarding prospective or expanding business and industry where no previous announcement has been made

Upon motion of Mr. Spiers, and a second by Ms. Yates, the Board voted to go into Closed Session at 7:22 P.M.

Ayes: Mr. VanLandingham, Ms. Olgers, Mr. Spiers, Mr. Jones, Mr. Kissner, Ms. Yates
Nays: None
Absent: Mr. Watkins

At 7:39 P.M., Mr. Southall noted a need for a motion to reconvene into Open Session.

Upon motion of Mr. Jones, and a second by Ms. Yates, the board unanimously voted to approve reconvening into Open Session at 7:39 P.M.

Ayes: Mr. VanLandingham, Ms. Olgers, Mr. Spiers, Mr. Jones, Mr. Kissner, Ms. Yates
Nays: None
Absent: Mr. Watkins

CERTIFICATION

Mr. Southall read the Certification Resolution and upon motion by Mr. Kissner, seconded by Mr. Spiers, the following Certification Resolution was adopted:

Ayes: Mr. VanLandingham, Ms. Olgers, Mr. Spiers, Mr. Jones, Mr. Kissner, Ms. Yates
Nays: None
Absent: Mr. Watkins

WHEREAS, the Industrial Development Authority convened in a closed meeting under

§2.2-3711 (A) (5) Business and Industry Development

- Regarding prospective or expanding business and industry where no previous announcement has been made

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or that matters other than those identified in the motion were discussed,

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the closed meeting.

7. OLD/NEW BUSINESS

A. Covid-19 Small Business Grant - Round 2

Mr. VanLandingham turned the meeting over to Ms. Collins and Ms. Ingram to discuss. It was noted that an additional grant should be awarded to Richland Dairy and Creamery. Apparently some paperwork was sent to the wrong email address.

Upon motion by Ms. Olgers, seconded by Mr. Jones, the following resolution was passed by the following vote.

Ayes: Mr. VanLandingham, Ms. Olgers, Mr. Spiers, Mr. Jones, Mr. Kissner, Ms. Yates
Nays: None
Absent: Mr. Watkins

RESOLUTION OF THE BOARD OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF
DINWIDDIE COUNTY, VIRGINIA TO MAKE AWARDS FOR COVID-19 SMALL BUSINESS
GRANT PROGRAM

WHEREAS, the COVID-19 pandemic has spread worldwide, including in the United States of America, the Commonwealth of Virginia, and Dinwiddie County, causing significant illness, loss of life, and economic disruption; and

WHEREAS, pursuant to Virginia Code Section 15.2-4901, the intent of the legislature in authorizing the creation of industrial development authorities was so “that such authorities may be able to promote industry and develop trade by inducing manufacturing, industrial, governmental, nonprofit, and commercial enterprises and institutions of higher education to locate in or remain in the Commonwealth and further the use of its agricultural products and natural resources, and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth, either through the increase of their commerce, or through the promotion of their safety, health, welfare, and convenience or prosperity”; and

WHEREAS, pursuant to Virginia Code Section 15.2-4905(13), the Industrial Development Authority of Dinwiddie County, Virginia (the “IDA”) has the authority “to make . . . grants to any person, partnership, association, corporation, business, or governmental entity in furtherance of the purposes of this chapter including for the purposes of promoting economic development”; and

WHEREAS, the IDA Board found on August 17, 2020 that local businesses have been adversely impacted by COVID-19, resulting in a very difficult business climate; and

WHEREAS, the IDA Board found on August 17, 2020 that a second round of a Small Business COVID-19 Disaster Grant Fund in the amount of \$200,000 to commercial enterprises and non-profits within Dinwiddie County (hereinafter together referred to as small businesses) so that local small businesses may remain in existence or otherwise support the economy during the pandemic is for the benefit of the inhabitants of the Commonwealth, either through the increase of their commerce, or the promotion of their prosperity; and

WHEREAS, on August 17, 2020, the IDA Board authorized and directed that marketing materials and grant application for the Second Round of the Small Business COVID-19 Disaster Grant Fund be published in a form approved by the Deputy County Administrator for Planning and Community Development and the Director of Economic Development and that the applications be divided into two pools with the first pool to receive preference in funding. Applicants that had not previously received funds from the IDA’s Small Business COVID-19 Disaster Grant Fund and Major Attraction Businesses were eligible for the first pool, which had a submission deadline of 5 p.m. on September 11, 2020. The submission deadline for the second pool, which consisted of all applications not submitted in the first pool by September 11, 2020 was 5 p.m. on September 18, 2020; and

WHEREAS, on August 17, 2020 the IDA Board directed that (1) no business with five or fewer employees shall be awarded more than \$2,500 and (2) no business with not less than six and not more than 25 employees shall be awarded more than \$5,000; provided, however, that the IDA Board may choose to award up to \$10,000 to any business that (x) the IDA Board determines to be a major attraction that draws visitors from primarily outside of Dinwiddie County and (y) does not have an exclusive or near exclusive business of preparing and serving food and/or drink (each, a "Major Attraction Business"); and

WHEREAS, pursuant to Virginia Code Section 2.2-3109(B)(ii), the Chairman of the IDA was authorized to find in writing as the administrative head of the IDA that the purposes of the grant program cause competitive bidding or negotiation to be contrary to the best interest of the public and such finding has been made by the Chair in writing; and

WHEREAS, the IDA Board directed on August 17, 2020 that each grant application was required to certify that (x) the application is not made by or for the financial benefit of any of the following persons or their immediate family members (where immediate family members includes a spouse and any other person who resides in the same household of such person or is a dependent of such person): (i) any IDA board member, (ii) any officer or employee of Dinwiddie County who has the power to or does exercise control or influence over the award of the grant (including the Board of Supervisors), or (iii) any constitutional officer of Dinwiddie County and (y) the award of an IDA COVID-19 grant to the applicant would not violate the Virginia State and Local Government Conflict of Interest Act; and

WHEREAS, on August 17, 2020, the IDA Board directed the Deputy County Administrator for Planning and Community Development and the Director of Economic Development to screen the applications with any necessary legal advice from the County Attorney's Office to provide a recommendation on grant awards for the IDA Board at a subsequent IDA meeting; and

WHEREAS, each grant recipient, as a condition of receiving the grant, was required to certify that the grant recipient will follow all applicable federal, state, and local COVID-19 requirements;

WHEREAS, after reviewing the applications that were provided by the deadline, the Deputy County Administrator for Planning and Community Development has made a recommendation for the award of \$205,000.00 to 60 small businesses;

WHEREAS, the United States Congress approved, and the President of the United States signed, the CARES Act, and the Secretary of Finance for the Commonwealth of Virginia has advised the County of Dinwiddie that the County of Dinwiddie is being provided with \$4,980,708.00 of federal CARES Act funds from the Commonwealth of Virginia; and

WHEREAS, each successful applicant for the grant program is a small business; and

WHEREAS, in furtherance of the governmental powers of the IDA as a political subdivision of the Commonwealth of Virginia and a component unit of the County of Dinwiddie, Virginia and its aforesaid mission, the IDA is desirous of (1) making awards to small businesses as a measure of economic support in connection with the COVID-19 public health emergency and (2) determining that its expenses on the COVID-19 Small Business Grant Program are necessary;

WHEREAS, on October 6, 2020, the Board of Supervisors by resolution approved a transfer in the not to exceed amount of \$230,000.00 for the amounts awarded the IDA in the Second Round of the Small Business COVID-19 Disaster Grant Program;

WHEREAS, on October 8, 2020, the IDA by resolution, approved a second round of a Small Business COVID-19 Disaster Grant Funds in the amount of \$205,000.00 that were awarded to 60 small businesses in the County of Dinwiddie;

WHEREAS, after October 8, 2020, the IDA became aware of two businesses in the County that timely applied for the Second Round of the Small Business COVID-19 Disaster Grant Program, but the applications were inadvertently sent to the incorrect email address;

WHEREAS the IDA desires to correct this matter by awarding these two businesses grant program funds and approve a granting of \$15,000.00 in grant funds, which is within the cumulative total not to exceed amount of \$230,000.00 approved by the Board of Supervisors.

BE IT RESOLVED THAT the IDA finds that (1) the expenses associated with the IDA's COVID-19 Small Business Grant Program are for the provision of economic support in connection with the COVID-19 public health emergency and (2) the IDA's expenses on the COVID-19 Small Business Grant Program are necessary.

BE IT FURTHER RESOLVED THAT upon receipt of (1) a business expense or other valid expense by the IDA (which shall not include a tax receipt or tax bill) (which expense shall be used as evidence of operation of the business and shall not necessarily be the expense paid for with the IDA COVID-19 Small Business Grant Program funds) and (2) a certification that the receipt and use of the IDA COVID-19 Small Business Grant Program funds will not conflict with any other funds received by the business, each of the following small business shall be awarded \$10,000:

- 1) Richlands Dairy Farm, Inc.

BE IT FURTHER RESOLVED THAT upon receipt of (1) a business expense or other valid expense by the IDA (which shall not include a tax receipt or tax bill) (which expense shall be used as evidence of operation of the business and shall not necessarily be the expense paid for with the IDA COVID-19 Small Business Grant Program funds) and (2) a certification that the receipt and use of the IDA COVID-19 Small Business Grant Program funds will not conflict with any other funds received by the business, each of the following small business shall be awarded \$5,000: 1) Richlands Creamery, LLC

BE IT FURTHER RESOLVED that the IDA Board requests reimbursement from the Board of Supervisors through the CARES Act funding provided to Dinwiddie County for the IDA COVID-19 Small Business Grant Program in the amount of \$15,000.00.

BE IT FURTHER RESOLVED that the officers of the IDA, the Deputy County Administrator of Planning and Community Development, and the Director of Economic Development be authorized to take any and all actions in furtherance of the intent of this resolution.

8. IDA BOARD MEMBER COMMENTS

Mr. VanLandingham had questions about the FOIA and COIA training and who had been able to complete it.

Mr. Olgers congratulated Mr. Southall on his new baby.

Mr. VanLandingham brought up the subject of officers for 2021. A Nominating Committee of Ms. Olgers, Ms. Yates, and Mr. Spiers were chosen to meet in January.

9. DEPUTY COUNTY ADMINISTRATOR FOR PLANNING AND COMMUNITY DEVELOPMENT COMMENTS

Ms. Collins echoed congratulations to Mr. Southall.

Ms. Collins gave an update on Broadband. They are a month from lighting up a tower and will be serving customers in the New Year.

Ms. Collins mentioned that Ms. Wray's replacement has been chosen and will begin at the beginning of January.

10. ADJOURNMENT

Mr. VanLandingham asked if there was any further business. There was none.

Upon motion by Mr. Spiers, seconded by Ms. Yates, the meeting was adjourned at 8:10 P.M. by the following vote.

Ayes: Mr. VanLandingham, Ms. Olgers, Mr. Spiers, Mr. Jones, Mr. Kissner, Ms. Yates

Nays: None

Absent: Mr. Watkins