

MINUTES
JAMES CITY COUNTY ECONOMIC DEVELOPMENT AUTHORITY
REGULAR MEETING
101 D Mounts Bay Road, Williamsburg, VA 23185
April 12, 2018
8:00 AM

A. CALL TO ORDER

B. ROLL CALL

ADOPTED
MAY 10 2018

Paul W. Gerhardt
Robin D. Carson
Rick Shippey
Christopher J. Odle
Thomas G. Tingle - Absent
Robin Bledsoe, Vice Chair - Absent
Marshall N. Warner, Chairman

Amy B. Jordan, Economic Development Authority (EDA) Secretary
Teresa J. Fellows, EDA Recording Secretary
Adam R. Kinsman, EDA Legal Counsel
Stephanie Lahr, EDA Fiscal Agent
Kate Sipes, Assistant Director, Economic Development
P. Sue Sadler, Board of Supervisors Liaison to the Economic Development Authority

Mr. Warner asked for a motion to amend the agenda to add the Formal Acceptance of Transferred Properties from James City County as Item No. 4 under New Business.

A motion to Approve was made by Robin Carson, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2
Ayes: Carson, Gerhardt, Odle, Shippey, Warner
Absent: Tingle, Bledsoe

C. APPROVAL OF MINUTES

1. Minutes Adoption - March 8, 2018 Regular Meeting

A motion to Approve was made by Christopher Odle, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2
Ayes: Carson, Gerhardt, Odle, Shippey, Warner
Absent: Tingle, Bledsoe

D. FINANCIAL REPORTS

1. March Financial Reports

A motion to Approve was made by Robin Carson, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2
Ayes: Carson, Gerhardt, Odle, Shippey, Warner

Absent: Tingle, Bledsoe

Ms. Lahr addressed the Authority giving an overview of the financial documents included in the Agenda Packet.

E. CLOSED SESSION

1. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected pursuant to Section 2.2-3711 (A)(6) of the Code of Virginia

A motion to Enter a Closed Session was made by Robin Carson, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 1 ABSENT: 2

Ayes: Carson, Odle, Shippey, Warner

Abstain: Gerhardt

Absent: Tingle, Bledsoe

At 8:26 a.m., the Authority entered Closed

Session. At 8:49 a.m., the Authority re-entered

Open Session.

2. Certification of Closed Session

A motion to Certify the Closed Session was made by Robin Carson, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 1 ABSENT: 2

Ayes: Carson, Odle, Shippey, Warner

Abstain: Gerhardt

Absent: Tingle, Bledsoe

F. NEW BUSINESS

1. Virginians for High Speed Rail Presentation

Daniel L. Plaugher, Executive Director of Virginians for High Speed Rail, addressed the Authority giving a presentation entitled The Case for Enhanced Passenger Rail, A Changing Virginia. (See Attachment)

2. Update to Bond Documents

A motion to Authorize was made by Christopher Odle, the motion result was

Passed. AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Carson, Gerhardt, Odle, Shippey, Warner

Absent: Tingle, Bledsoe

Ms. Jordan stated that it has come to staff's attention that the Authority's financing policy, procedures and application for bonds have not been reviewed and updated in several years. Paul Gerhardt, in his capacity as an EDA member, reviewed the documents and has offered constructive changes (see attached). Max Hlavin,

Assistant County Attorney, forwarded the collective comments to Chris Kulp with Hunton & Williams, who serves as the County's bond council, requesting an estimate for a final review of these documents. Mr. Kulp estimates he can complete a review with formal comments and suggested edits for no more than \$2,500 plus expenses, if any. Staff recommends having the bond council complete the review in the amount not to exceed \$2,750 in order to complete necessary updates for compliance of the documents.

3. Approval for Economic Development Authority Grants - Enterprise Zone

A motion to Approve was made by Robin Carson, the motion result was Passed. AYES: 3 NAYS: 0 ABSTAIN: 2 ABSENT: 2

Ayes: Carson, Odle, Shippey

Abstain: Gerhardt, Warner

Absent: Tingle, Bledsoe

Ms. Sipes stated that in accordance with the Enterprise Zone program, the companies listed in the attached memorandum qualify for the EDA Grant. Businesses that make a capital investment of \$500,000 qualify for the EDA Grant. The EDA Grant is a five-year declining grant based on the assessed value of improvements.

The total incentive amount equals \$21,661.38. Per the approved James City County Enterprise Zone Designation in 1996, the County allocates funds for these incentives during the annual budget process, and therefore sufficient funds are available. Approval of this memorandum encumbers funds from the EDA to be paid to the aforementioned businesses, with the understanding the County will transfer funds to the EDA in the amount of \$21,661.38. Staff has confirmed these investments are complete, final Certificates of Occupancy have been issued, the assessments on the improvements are complete and tax payments are current.

Mr. Gerhardt and Mr. Warner expressed potential conflicts of interest. Mr. Gerhardt stated that several of the companies are clients of his law firm, and Mr. Warner stated that several of the companies are customers of his bank.

4. Formal Acceptance of Transferred Properties from James City County

A motion to Approve was made by Robin Carson, the motion result was Passed. AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Carson, Gerhardt, Odle, Shippey, Warner

Absent: Tingle, Bledsoe

Mr. Warner stated that at its Board Meeting on April 10, 2018, the Board of Supervisors unanimously passed a resolution authorizing and directing the Interim County Administrator, or his successor, to execute those documents necessary for the sale and transfer of 8915 Columbia Drive, further identified as James City County Real Estate Tax Map No. 5920100061, and 1716 Endeavor Drive, further identified as James City County Real Estate Tax Map No. 5920100059, at no cost, to the Economic Development Authority of James City County.

For the purpose of the permanent record, staff recommends that the Authority formally accept the parcels from James City County, identified as 8915 Columbia Drive and 1716 Endeavor Drive, by motion and vote.

Mr. Warner thanked Ms. Sadler for her comments at the Board Meeting regarding the Authority.

G. OLD BUSINESS

1. Final Fiscal Agent Regional Industrial Facilities Authority (RIFA) Agreement

Ms. Jordan stated that attached is the final Fiscal Agent Agreement for RIFA. The EDA previously reviewed the draft document and approved funding for the creation of the RIFA at its March meeting. The grant contract between Reinvent Hampton Roads (administrator of Go Virginia Region 5 funding), Go Virginia and the Virginia Peninsula Chamber of Commerce (fiscal agent for the Peninsula Unmanned Systems project) has also been attached for information.

2. ChefsGo 1.0 Funding Request Follow-up

Ms. Jordan stated that included in the Agenda Packet is follow-up information after the discussion held during the March EDA Meeting. Mr. Hlavin performed a Conflict of Interest Analysis on the relationship between Ms. Carson as an adjunct professor of the program and as a member of the Authority. He determined there was no conflict of interest.

3. Mowing Contract for James River Commerce Center Parcel

A motion to Approve was made by Paul Gerhardt, the motion result was Passed. AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2
Ayes: Carson, Gerhardt, Odle, Shippey, Warner
Absent: Tingle, Bledsoe

Ms. Sipes stated that several months ago, staff received proposals from Gilley Construction and J.S.G. to clean up the EDA parcel in the James River Commerce Center. The EDA authorized clean-up of the property, using Gilley Construction, and that work was completed in March 2018. Staff would now like to proceed with a contract for mowing the property on a regular basis to keep it maintained for development prospects. The J.S.G. proposal for mowing was for \$98.03/acre; the full 29 acre cleared site estimate was \$2,843/mow. Staff would like the EDA to authorize a mowing contract not to exceed \$5,700/year, which is twice a year at the proposed price. Staff is also working with the Purchasing office to negotiate a lower price; if successful the property could be mowed up to three times a year for \$5,700/year or less.

There were no significant questions or discussion about this matter.

4. Draft FY 2019 EDA Budget

Ms. Jordan briefly reviewed the draft budget included in the Agenda Packet. She highlighted that the Board of Supervisors has agreed to take on the Greater Williamsburg Partnership contribution in its budget, assuming it is approved as proposed.

Ms. Carson raised some questions about the cost of the Authority's Annual Audit.

Ms. Lahr stated that the cost increase is based off the Consumer Price Index (CPI). She stated that the annual cost of the audit is fixed based off the County's contract with the firm, with annual adjustments made based off the CPI for that year.

General discussion ensued about the FY 18 expenditures for support of outside agencies, special events and programs document versus the proposed FY 19 budget.

Ms. Jordan stated that the goal was to adopt the FY 19 EDA budget at the May meeting.

H. LIAISON REPORTS

1. BOS Liaison

Ms. Sadler stated that the Board was very pleased to transfer the two new parcels over to the Authority. She thanked the Authority for the increase in communication between to the two entities.

2. Greater Williamsburg Chamber & Tourism Alliance

Mr. Shippey stated that Wayne Nooe joined the organization as a member at large, which will be very good for the committee.

3. Planning Commission

No discussion necessary.

4. Greater Williamsburg Partnership (GWP)

Ms. Jordan stated that the most recent Partner Day was held at Billsburg Brewery. This was a great opportunity to meet the newest GWP Partners. Ms. Jordan also briefly discussed the site selector tour that is being planned for late June.

5. JRCC Architectural Review Board

No discussion necessary.

6. Real Estate Holdings Committee

No discussion necessary.

7. Finance

No further discussion necessary.

I. DIRECTOR'S REPORT

1. April Report

Ms. Jordan briefly reviewed the Director's Report included in the Agenda Packet.

J. ADJOURNMENT

1. Adjourn until 8 a.m. on May 10, 2018, for the Regular Meeting

A motion to Adjourn was made by Robin Carson, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Carson, Gerhardt, Odle, Shippey, Warner

Absent: Tingle, Bledsoe

At 9:30 a.m., Mr. Warner adjourned the Authority.



Amy Jordan, Secretary



Marshall Warner, Chair