

Virginia Code

Closed Sessions 2.2-3711

- 1. Personnel
- 3. Acquisition/Sale of Property
- 4. Privacy of Individuals
- 5. Prospective Unannounced Business
- 7 & 8. Legal



March 11, 2021

AGENDA

The Industrial Development Authority of Russell County Virginia will hold its regular monthly meeting March 11, 2021 at 5:30 PM via conference call, pursuant to the Russell County Emergency Ordinance of April 6, 2020.

Please join my meeting from your computer, tablet or smartphone.

https://global.gotomeeting.com/join/493608557

You can also dial in using your phone.

United States: <u>+1 (872) 240-3311</u>

Access Code: 493-608-557

- 1. Call to Order
- 2. Roll Call
- 3. Approval of Minutes
- 4. Approval of Financial and Treasurer's Report
- 5. Guest Presentations
- 6. Attorney's Report
- 7. Chairman's Report
- 8. Old Business
- 9. New Business
- 10. Closed Session as permitted by Virginia Code #2.2-3711
- 11. Public Comment
- 12. Adjourn Meeting

February 11, 2021

The Regular monthly meeting of the Industrial Development Authority of Russell County, Virginia was held on February 11, 2020 at 5:30 P.M. via conference call pursuant to the Russell County Emergency Ordinance of April 6, 2020.

MEMBERS

PRESENT: Ernie McFaddin, Chairman

Richard Lockridge, Vice Chairman

Carlton Elliott, Secretary Roger Sword, Member Tony Dodi, Member John Stamper, Member Jarred Glass, Member

Donnie Christian, Member

ABSENT: Scott Gilmer, Member

STAFF: Katherine Patton, Attorney

The Chairman called the meeting to order at 5:31 P.M.

Secretary called the roll and recorded the roll call.

APPROVAL OF MINUTES

Upon motion made by Donnie Christian, second by Tony Dodi and duly approved by the Industrial Development Authority of Russell County, Virginia to approve the minutes of the December 10, 2020 Meeting.

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

The Chairman called for a moment of silence for the Ben Chafin Family.

FINANCIAL REPORT

Upon motion made by Richard Lockridge, second by Donnie Christian, and duly approved by the Industrial Development Authority of Russell County,

Virginia to approve the financial report for November 2020, December 2020, January 2021 and pay invoices presented.

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

PUBLIC/GUEST PRESENTATIONS

No guest presentations.

ATTORNEY'S REPORT

The attorney reported the closings for projects with J.K. Musick and Greg Hancock occurred this week.

The Attorney asked the IDA board to accept a resolution in memory of Ben Chafin.

Upon motion made by Donnie Christian, second by Tony Dodi, and duly approved by the Industrial Development Authority of Russell County, adopting a Resolution celebrating the life and service of Honorable Augustus Benton Chafin. The Chairman and Secretary are hereby authorized to sign all documentation relating to this resolution.

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

CHAIRMAN'S REPORT

The chairman reported the Russell Place property has been purchased including both sides of the road.

CLOSED SESSION

Upon motion made by Tony Dodi, second by Donnie Christian and duly approved by the Industrial Development Authority of Russell County, Virginia to enter Closed Session as permitted by, VA Code #2.2-3711 (1) Personnel (3) Property (5) Prospective unannounced industry (7) & (8) Legal Counsel.

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

RECONVENE TO PUBLIC SESSION

Upon motion made by Richard Lockridge, second by Donnie Christian, and duly approved by The Industrial Development Authority of Russell County, Virginia, the Chairman called the meeting back into regular session and requested the "Certification Motion after reconvening in Public Session".

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

CERTIFICATION AFTER RECONVENING IN PUBLIC SESSION

The Industrial Development Authority of Russell County, Virginia hereby certifies that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be so discussed under the provision of the Virginia Freedom of Information Act cited in that motion.

The Roll Vote Was:

Ernie McFaddin	Yes	Donnie Christian Yes
Carlton Elliott	Yes	Jarred Glass Yes
Scott Gilmer	Absent	David Mullins Yes
Tony Dodi	Yes	Richard Lockridge Yes
D 0 1	T 7	

Roger Sword Yes

MOTIONS FROM CLOSED SESSION

Upon motion made by Donnie Christian, second by Tony Dodi, and duly approved by The Industrial Development Authority of Russell County, Virginia authorizing the chairman to enter into a temporary use agreement with the Soccer Association for the property adjacent to the government center property, also asking the Soccer Association to seed and fertilize the field. The chairman and secretary are hereby authorized to sign all documentation relating to this project.

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

Upon motion made by Roger Sword, second by Richard Lockridge, and duly approved by the Industrial Development Authority of Russell County, Virginia authorizing the chairman to apply for AML Pilot funds for Project Reclaim to be used for utility improvements to the site. The chairman and secretary are hereby authorized to sign all documentation relating to this project.

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

Upon motion made by Tony Dodi, second by Donnie Christian, and duly approved by the Industrial Development Authority of Russell County, Virginia authorizing the chairman to apply for funding from the Virginia Brownfields Restoration & Economic Redevelopment Assistance Fund for the Russell Place project. The chairman and secretary are hereby authorized to sign all documentation relating to this project.

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

Upon motion made by Roger Sword, second by Richard Lockridge, and duly approved by the Industrial Development Authority of Russell County, Virginia authorizing the chairman to submit a request to the Russell County Board of Supervisors in support of applying for funds from the CPROP program to support the Russell Place project. The chairman and secretary are hereby authorized to sign all documentation relating to this project.

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

Upon motion made by Richard Lockridge, second by Donnie Christian, and duly approved by the Industrial Development Authority of Russell County, Virginia authorizing the chairman to submit payment deferral requests to VCEDA, CPPDC and VCC for Polycap. The deferral request will be for a period of 6

months. The chairman and secretary are hereby authorized to sign all documentation relating to this project.

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

Upon motion made by Donnie Christian, second by Tony Dodi, and duly approved by the Industrial Development Authority of Russell County, Virginia authorizing the chairman to request funds from USDA to support the NxtGen Welding Services request. Upon receipt of these funds, we hereby authorizing the chairman to execute a loan agreement with NxtGen Welding Services for up to \$10,000 for the purchase of equipment. The chairman and secretary are hereby authorized to sign all documentation relating to this project.

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

Upon motion made by Tony Dodi, second by Richard Lockridge, and duly approved by the Industrial Development Authority of Russell County, Virginia authorizing the chairman to finalize the proposed lease terms with the Department of Probation and executing the lease upon approval of counsel. The chairman and secretary are hereby authorized to sign all documentation relating to this project.

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

Upon motion made by Tony Dodi, second by Donnie Christian, and duly approved by the Industrial Development Authority of Russell County, Virginia authorizing the chairman to procure funding for the Probation project not to exceed one million dollars. The chairman and secretary are hereby authorized to sign all documentation relating to this project.

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

Upon motion made by Richard Lockridge, second by Roger Sword, and duly approved by the Industrial Development Authority of Russell County, Virginia authorizing the chairman to negotiate contract services to digitize and upgrade IDA project files to meet audit requirements. The chairman and secretary are hereby authorized to sign all documentation relating to this transaction.

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

Upon motion made by Roger Sword, second by Donnie Christian, and duly approved by the Industrial Development Authority of Russell County, Virginia authorizing the chairman and attorney to take the steps necessary for the IDA to have rules in place to continue the electronic meetings.

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

PUBLIC COMMENT

No public comment

ADJOURNMENT

Upon motion made by Donnie Christian, second by Richard Lockridge, and duly approved by the Industrial Development Authority of Russell County, Virginia adjourning this meeting at 7:30 PM

The Roll Call Vote was:

Aye: R. Lockridge, C. Elliott, T. Dodi, R. Sword, D. Christian, J. Stamper, J. Glass

Absent: S. Gilmer

Nay: None

Celebrating the Life of the Honorable Augustus Benton Chafin, Jr.

WHEREAS, the Honorable Augustus Benton Chafin, Jr., a passionate advocate for Southwest Virginia and an accomplished attorney and state legislator who earned bipartisan admiration for his commitment to the betterment of the Commonwealth as a whole, passed away on January 1, 2021; and

WHEREAS, a proud native of Russell County, Augustus Benton "Ben" Chafin, Jr., grew up on his family's farm and learned the value of hard work and responsibility at a young age; he worked at a local meat packing plant as a teenager, and he returned home most weekends while attending college to help on the farm; and

WHEREAS, a first-generation college student in his family, Ben Chafin received a bachelor's degree from East Tennessee State University and a law degree from the University of Richmond; and

WHEREAS, Ben Chafin established what is now Chafin Law Firm, P.C. in the 1980's and practiced law throughout Southwest Virginia for more than 30 years; in addition to his work as an attorney, he served on the board of the First Bank & Trust Company and held close to his roots in agriculture as the owner and operator of a beef cattle farm; and

WHEREAS, Ben Chafin began his public service to the citizens of Russell County in 1988 when he began representing the Russell County Department of Social Services and represented the agency for almost thirty years; and

WHEREAS, Ben Chafin continued his public service to Russell County as legal counsel for the Industrial Development Authority, Russell County Virginia beginning in 1992 for twenty-eight years, the Russell County School Board beginning in 2003 for seventeen years, the Russell County Public Service Authority beginning in 2008 for twelve years and the Board of Supervisors, Russell County, Virginia beginning in 2018; and

WHEREAS, Ben Chafin through his representation of these Russell County agencies helped to elevate and provide invaluable services to the citizens of Russell County; and

WHEREAS, desirous to be of further service to his community and to the Commonwealth, Ben Chafin ran for and was elected to the House of Delegates in 2013, becoming the first Republican to represent the Fourth District in more than 20 years; and

WHEREAS, Ben Chafin was subsequently elected to the Senate of Virginia during a special election in 2014 and ably served the residents of Southwest Virginia in the 38th District until the time of his passing; and

WHEREAS, Ben Chafin was a staunch proponent of public education, responsible economic growth, Second Amendment rights and access to health care for all Virginians; and

WHEREAS, Ben Chafin consistently supported job creation in his district, helping to establish the InvestSWVA partnership to promote the coalfields region as a future site of renewable energy infrastructure and high-technology business development; and

WHEREAS, Ben Chafin served the residents of Russell County, Virginia and the entire Commonwealth with the utmost dedication, integrity and distinction; and

WHEREAS, outside of his careers, Ben Chafin was an avid outdoorsman, who relished every opportunity to appreciate Southwest Virginia's natural splendor; he volunteered his time and leadership as former President of the Russell County Rotary Club; and he enjoyed fellowship and worship with the congregation of Gracewood Community Church in Lebanon; and

WHEREAS, Ben Chafin will be fondly remembered and greatly missed by his wife of 38 years, Lora; his children, Sophia, Audra, Augustus III, and their families and numerous other family members, friends, and colleagues; now therefore, be it

RESOLVED that the Industrial Development Authority of Russell County, Virginia, hereby notes with great sadness the loss of the Honorable Augustus Benton Chafin, Jr., a respected statesman, attorney and a champion for Russell County; and, be it

RESOLVED FURTHER, that the Clerk/Secretary of the Industrial Development Authority of Russell County, Virginia, prepare a copy of this resolution for presentation to the family of Augustus Benton Chafin, Jr., as an expression of the Board's respect for his memory.

	Ernie McFaddin, Chairman Industrial Development Authority
	of Russell County, Virginia
ATTEST:	
Carlton Elliott, Secreta Industrial Developmen	ry t Authority of Russell County, Virginia

CHAFIN LAW FIRM, P. C.

ATTORNEYS AT LAW

A. Benton Chafin, Jr. (1985-2020)

M. Katherine Patton (VA)

Jennifer A. Baker (VA & TN)

Nicholas B. "Nick" Compton (VA)

P. O. Box 1210 44 E. Main Street Lebanon, VA 24266 Phone: (276) 889-0143

Fax: (276) 889-1121 Fax: (276) 889-1130

Website: https://www.chafinlaw.com

March 9, 2021

Russell County Industrial Development Authority P. O. Box 2378 Lebanon, VA 24266

RE: Billing from January 30, 2021 through March 9, 2021

Dear Sir/Madam:

Enclosed, herewith is a statement for services rendered from January 30, 2021 through March 9, 2021, in the amount of \$1,738.00

Billing may not be complete through the date listed above.

PLEASE PAY THIS AMOUNT:

1,738.00

If you have any questions, please do not hesitate to contact me.

Very truly yours, CHAFIN LAW FIRM, P.C.

Encl. (As noted)

P. O. Box 1210 44 E Main Street Lebanon, VA 24266 Telephone: 276-889-0143

Fax: 276-889-1121

March 09, 2021 Invoice No. 49842

RUSSELL COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY P. O. BOX 2378 LEBANON, VA 24266

Client Number: 92-G-2054 IDA.GENERAL FILE Matter Number: 92-G-2054 IDA.General File For Services Rendered Through 3/9/2021.

Fees				
<u>Date</u>	<u>Timekeeper</u>	Description	Hours	Amount
2/11/2021	KP8	Review agenda for February meeting	0.20	\$30.00
2/11/2021	KP8	Reviewed Draft Deal Memo.	0.30	\$45.00
2/11/2021	KP8	February monthly meeting	2.20	\$330.00
2/16/2021	KP8	Received and Reviewed E-mail from Chairperson. TF with Chairperson.	0.40	\$60.00
2/22/2021	RS3	Phone call with Chairman	0.20	\$18.00
2/22/2021	RS3	Phone call with Ronnie Compton at D.R. Price Engineering and Surveying	0.30	\$27.00
2/25/2021	KP8	Prepared Auditing Letter. E-mail to CPA and Carlton.	1.00	\$150.00
3/8/2021	KP8	Received and Reviewed Letter of Intent.	0.30	\$45.00
3/8/2021	KP8	E-mail to Chairperson.	0.20	\$30.00
		Billable Hours / Fees:	5.10	\$735.00

Timekeeper Summary

Timekeeper KP8 worked 4.60 hours at \$150.00 per hour, totaling \$690.00.

Timekeeper RS3 worked 0.50 hours at \$90.00 per hour, totaling \$45.00.

Client Number:

92-G-2054

Matter Number:

92-G-2054

3/9/2021 Page: 2

Payment Detail

<u>Date</u> 2/8/2021

Description

Check Number 6029 against Inv# 49777

<u>Amount</u> (\$375.00)

Total Payments Received:

(\$375.00)

Last Payment: 2/8/2021

Current Invoice Summary

Prior Balance:

\$375.00

Payments Received:

(\$375.00)

(40,0.00)

Unpaid Prior Balance:

\$0.00

Current Fees: Advanced Costs: \$735.00 \$0.00

TOTAL AMOUNT DUE:

\$735.00

P. O. Box 1210 44 E Main Street Lebanon, VA 24266 Telephone: 276-889-0143

Fax: 276-889-1121

March 09, 2021

Invoice No. 49959

RUSSELL COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY P. O. BOX 2378 LEBANON, VA 24266

Client Number: 18-G-2054.74 GREENFIELD HOLDINGS ICI, INC. IDA.PROJECT BLUE JAY/POLYCAP, LLC &

Matter Number: 18-G-2054.74 IDA.Project Blue Jay.Fees & Reimbursable Costs

For Services Rendered Through 3/9/2021.

Fees				
<u>Date</u>	Timekeeper	Description	Hours	Amount
3/2/2021	KP8	Received and Reviewed E-mail from Chairman. Review of documents. 0.3	0.30	\$45.00
3/3/2021	KP8	Reviewed IFA and Lease. Review of Documents. TF to Chairperson.	1.20	\$180.00
		Billable Hours / Fees:	1.50	\$225.00

Timekeeper Summary

Timekeeper KP8 worked 1.50 hours at \$150.00 per hour, totaling \$225.00.

Payment Detail

<u>Date</u>	<u>Description</u>	Amount
4/20/2020	Check Number 5890 against Inv# 47323 (Prior Balance on Inv# 47700)	(\$31.58)
4/21/2020	Check Number 5896 against Inv# 47700	(\$30.00)
4/21/2020	Check Number 5896 against Inv# 47700	(\$1.58)
4/21/2020	Check Number 5896 against Inv# 47323 (Prior Balance on Inv# 47700)	(\$73.42)
	Total Payments Received:	(\$136.58)

 Client Number:
 18-G-2054.74
 3/9/2021

 Matter Number:
 18-G-2054.74
 Page: 2

Current Invoice Summary

Prior Balance: \$136.58

Payments Received: (\$136.58) Last Payment: 4/21/2020

Unpaid Prior Balance: \$0.00

Current Fees: \$225.00

Advanced Costs: \$0.00
TOTAL AMOUNT DUE: \$225.00

P. O. Box 1210 44 E Main Street Lebanon, VA 24266 Telephone: 276-889-0143 Fax: 276-889-1121

> March 09, 2021 Invoice No. 49960

RUSSELL COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY, INC. P. O. BOX 2378 LEBANON, VA 24266

Client Number: 21-G-2054.88 IDA.PROBATION BUILDING

For Services Rendered Through 3/9/2021.

Matter Number: 21-G-2054.88 IDA. Probation Building (General)

Fees				
<u>Date</u>	<u>Timekeeper</u>	Description	Hours	Amount
2/17/2021	KP8	Work on Lease Memo.	1.40	\$210.00
2/18/2021	KP8	TF with Chairman. Revised Memo. E-mail to Chairman.	1.00	\$150.00
2/21/2021	KP8	Open file	0.50	\$75.00
2/25/2021	KP8	Received and Reviewed E-mail from Chairman. Reviewed Memo. E-mail to Chairman.	0.50	\$75.00
		Billable Hours / Fees:	3.40	\$510.00

Timekeeper Summary

Timekeeper KP8 worked 3.40 hours at \$150.00 per hour, totaling \$510.00.

 Client Number:
 21-G-2054.88
 3/9/2021

 Matter Number:
 21-G-2054.88
 Page: 2

Current Invoice Summary

Prior Balance: \$0.00

Payments Received: \$0.00

Unpaid Prior Balance: \$0.00

Current Fees: \$510.00

Advanced Costs: \$0.00

TOTAL AMOUNT DUE: \$510.00

P. O. Box 1210 44 E Main Street Lebanon, VA 24266 Telephone: 276-889-0143

Fax: 276-889-1121

March 09, 2021

Invoice No. 49843

RUSSELL COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY P. O. BOX 2378 LEBANON, VA 24266

Client Number: RE3931 IDA.RUSSELL PLACE PROPERTY

Matter Number: RE3931 IDA.PROJECT GROW For Services Rendered Through 3/9/2021.

Cost Detail

Date	Description		<u>Amount</u>	Check No.
2/9/2021	Photocopies - (26 @ \$0.50 each) = \$13.00		\$13.00	
		Total Costs	\$13.00	

Current Invoice Summary

Prior Balance:	\$0.00
Payments Received:	\$0.00
Unpaid Prior Balance:	\$0.00
Current Fees:	\$0.00
Advanced Costs:	\$13.00
TOTAL AMOUNT DUE:	\$13.00

P. O. Box 1210 44 E Main Street Lebanon, VA 24266 Telephone: 276-889-0143 Fax: 276-889-1121

> March 09, 2021 Invoice No. 49844

RUSSELL COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY P. O. BOX 2378 LEBANON, VA 24266

Client Number: 17-G-2054.70 IDA.SPECIAL PROJECT RECLAIM Matter Number: 17-G-2054.70 IDA.SPECIAL PROJECT RECLAIM

For Services Rendered Through 3/9/2021.

Fees				
<u>Date</u>	<u>Timekeeper</u>	Description	Hours	Amount
2/9/2021	RS3	Phone call with Chairman	0.20	\$18.00
2/10/2021	KP8	Review e-mails; direct paralegal on needed action	0.20	\$30.00
2/12/2021	KP8	Review e-mails	0.20	\$30.00
2/22/2021	RS3	Work on file	0.30	\$27.00
2/22/2021	KP8	Received and Reviewed E-mails from Chairperson and Mike Kaestner.	0.30	\$45.00
2/23/2021	KP8	Reviewed Documents. TF with Chairman.	0.50	\$75.00
3/2/2021	KP8	Received and Reviewed E-mails from Chairman and Mike Kaestner.	0.20	\$30.00
		Billable Hours / Fees:	1.90	\$255.00

Timekeeper Summary

Timekeeper RS3 worked 0.50 hours at \$90.00 per hour, totaling \$45.00.

Timekeeper KP8 worked 1.40 hours at \$150.00 per hour, totaling \$210.00.

Client Number: 17-G-2054.70

3/9/2021 Matter Number: 17-G-2054.70 Page: 2

Payment Detail

Description <u>Date</u> **Amount** 2/8/2021 Check Number 6029 against Inv# 49780 (\$207.00)

> (\$207.00) **Total Payments Received:**

Current Invoice Summary

Prior Balance: \$207.00

Payments Received: (\$207.00) Last Payment: 2/8/2021

Unpaid Prior Balance: \$0.00

> **Current Fees:** \$255.00 **Advanced Costs:** \$0.00

TOTAL AMOUNT DUE: \$255.00