

AGENDA

| THURSDAY, FEBRUARY 4TH | | 8:00 AM |

COUNTY ADMINISTRATION BUILDING @ BOARD OF SUPERVISORS MEETING ROOM

107 KENT STREET WINCHESTER, VA

- 1. Call to Order
- 2. Annual Meeting | ACTION
 - Election of Chair and Vice Chair and establish days, times, and places for its regular meetings (First Thursdays of each month at 8:00 am, 107 North Kent Street)
- 3. Approval of Minutes December 3rd | ACTION
- 4. Treasurer's Report | ACTION
- 5. Joint Meeting | DISCUSSION
 - Discussion and feedback from annual meeting with Board of Supervisors
- 6. License Agreement Hope Drive Property | ACTION
 - Agreement has been drafted with Perry Engineering for use of the Hope Drive property as a staging area during the road construction project.
- 7. EPA Brownfields Assessment Grants | DISCUSSION
 - Discussion on interest in participating in this program to complete environmental studies on actual or perceived sites containing hazardous substances, pollutants, or contaminants.
- 8. Such other business as may come before this Authority



DATE: February 1, 2021

TO: Board of Directors,

Frederick County Economic Development Authority

FROM: Patrick Barker, CEcD

Executive Director

CC: Jay Tibbs

Deputy County Administrator

RE: Annual Meeting

The EDA Bylaws call for an annual meeting prior to March 1 of each year. Officers are selected at this time. Officers of the Authority currently include a Chair (Stan Crockett), a Vice-Chair (Doug Rinker) and Secretary/Treasurer (Jay Tibbs). Chair and Vice- Chair are selected from the membership, whereas, the Secretary and Treasurer, or a Secretary-Treasurer, can be from the membership or not, as they desire.

Article 3 of the bylaws provides a description of the positions.

- The Chair shall preside at all meetings of the Authority; shall be responsible for notice of
 meetings to the Directors and officers of the Authority; shall be responsible for all
 correspondence; shall make committee appointments; may appoint members of the Authority
 as liaison to any other governmental agencies; authorities and commissions; shall act as
 signatory on behalf of the Authority when authorized; and shall perform such other duties as are
 incident to his office or may properly be required of him by the Board of Directors.
- The Vice-Chair shall, in the absence of the Chair, exercise all of the Chair's powers and duties. In the event the office of Chair shall become vacant, the Vice-Chair shall immediately become the Chair.
- The Secretary shall transcribe detailed minutes of every meeting or proceeding of the Authority; shall issue notices for all meetings; shall keep the seal of the Authority and all books and records of the Authority; and shall perform such other duties as may be directed by the Board of Directors.
- The Treasurer shall have the custody of all funds and securities of the Authority and shall deposit the same in the name of the Authority in such bank or banks as the Directors may from time to time determine; shall sign all checks, drafts, notes and orders for the payment of moneys and shall pay out and dispose of the same under the direction of the Chair. The Treasurer shall keep suitable records of all financial transactions of the Authority and shall arrange to have the same audited following the end of each fiscal year of the Authority, subject to the approval of the Board of Directors.



MINUTES ECONOMIC DEVELOPMENT AUTHORITY | THURSDAY, DECEMBER 3, 2020 |

A meeting of the Frederick County Economic Development Authority was held on Thursday, December 3, 2020, at 8:00A.M. in the County Administration Building, Board of Supervisors Room, 107 North Kent Street, Winchester, Virginia.

PRESENT: Stan Crockett, Judy McCann-Slaughter, Susan Brooks, Doug Rinker and Heather McKay. Rick Till participated by phone from home.

STAFF: Patrick Barker and Donna McIlwee, Frederick County Economic Development Authority, and Michael Bryan, Attorney

MEETING CALLED TO ORDER: Chairman Crockett called the meeting to order at 8:00 a.m.

APPROVAL OF MINUTES

The minutes from the November 5, 2020, meeting were presented.

On motion of Ms. McCann-Slaughter and seconded by Ms. Brooks, the minutes were approved by the following recorded vote:

J. Stanley Crockett	Aye
Susan Brooks	Aye
Bryan Fairbanks	Absent
Heather McKay	Aye
Doug Rinker	Aye
Judy McCann-Slaughter	Aye
Rick Till	Aye

TREASURER'S REPORT

Mr. Barker submitted the following report stating that the most recent statement from Bank of Clarke County has not been received yet:

Checking Account - Bank of Clarke County as of November 30, 2020 - \$407,017.38. Savings Account - Scott & Stringfellow as of November 30, 2020 - \$1,298,508.15.

On motion of Mr. Rinker, seconded by Ms. Brooks, the Treasurer's Report for November was approved by the following recorded vote:

J. Stanley Crockett Aye
Susan Brooks Aye
Bryan Fairbanks Absent
Heather McKay Aye
Doug Rinker Aye
Judy McCann-Slaughter Aye
Rick Till Aye

Mr. Barker further reported that a copy of a cashier's check that was not received with the October bank statement was attached to the November statement. Ms. McCann-Slaughter had requested that, for transparency purposes, approval of the Treasurer's Reports at the October and November Board meetings be postponed until a copy of the check is received.

On motion of Ms. McKay, seconded by Mr. Rinker, the October Treasurer's Report was approved by the following recorded vote:

J. Stanley Crockett Aye
Susan Brooks Aye
Bryan Fairbanks Absent
Heather McKay Aye
Doug Rinker Aye
Judy McCann-Slaughter Aye
Rick Till Aye

TALENT STRATEGY IMPLEMENTATION

As information, Mr. Barker reviewed the background of this project. The Frederick County EDA, in partnership with other Northern Shenandoah Valley localities, engaged Development Counsellors International (DCI) to develop a comprehensive Talent Solutions Strategy focused on job seekers, university and community college graduates and high school students to identify obstacles to and opportunities for retention and attraction of young adult talent. Based on their research, as well as best practices, DCI recommended a strategy including 8+ major marketing tactics. Two of those tactics included the creation of a regional website focused on information on living and working in the Northern Shenandoah Valley region and a digital regional resource that showcases "things to do."

The URL for the website is significant, as it creates a first impression and needs to leave a positive and lasting impression. Taking everything into consideration, the group chose LiveLoveShenandoah.com for the URL and the name has been reserved. After obtaining quotes, Granicus was selected to build the site. The option selected was an "independent subsite," which is semi-customizable at a one-time implementation fee of \$8000---all partners will contribute funding. Content will pull heavily from key messages within the Strategy, which

include "Gain Back Your Time and Peace of Mind" and "Live Where Others Love to Visit and Create a Life You Don't Need a Break From." The website is targeted to launch in late spring.

Ms. Brooks stated cost of living and cost to commute are huge factors to attracting a workforce.

Ms. McCann-Slaughter asked how usage of the website would be tracked.

Mr. Rinker stated this approach was a much more sophisticated and better approach than former "live and work local" campaigns.

JOINT MEETING PREPARATION

Mr. Barker reported the annual joint meeting with the BOS is scheduled for January 13 at 5:30 p.m. It will focus on the current direction and activities of the EDA, as well as provide an opportunity for the EDA Board and BOS to discuss expectations for economic development.

The agenda staff proposes is:

- General overview of EDA's mission
- Accomplishments since last joint meeting
 - Covid-10 response
 - Outreach activities (i.e., website and collateral materials)
 - Workforce Initiative
 - Client activity
- State of land and building inventory
- Update to planned activities from last year

At the last joint meeting, the following planned activities for the subsequent 12 months were presented and discussed:

- Activity #1 | Partner with appropriate local and regional partners to create solutions for current and projected workforce needs
- Activity #2 | Continue refinement of the business sites program

While much forward movement on these activities has been accomplished, they require long-term focus, thus their inclusion remains necessary. Staff suggests adding an additional activity or two for the next 12 months. Potential activities could include assistance to the County's agribusiness and/or enhancements to the retention activities based on lessons learned from the pandemic.

Staff is seeking EDA Board feedback on the agenda and possible planned activities for the next year.

Ms. McCann-Slaughter suggested the EDA could reach out to the Inland Port for ways to create a collaborative effort with them, develop a collaborative effort with Frederick Water to help

with site preparation, only show available sites in Frederick County on the sites inventory, and include additional activities at Graystone in the client activity section.

Mr. Till inquired if call team visits showed what companies need now with the pandemic. Mr. Barker's response was still workforce, and Mr. Till stated that would be good to include.

Mr. Rinker stated we need to reaffirm with the BOS if we are moving in the right direction.

Ms. McCann-Slaughter stated this is a great deal of information for the BOS to take in and most important to the BOS is understanding what ROI the County is realizing for the money invested in the EDA. She also asked if there is an opportunity to go into local high schools to let students know what is here and what training is available.

Ms. McKay remarked it is a good idea to have agri-businesses collaborate.

Mr. Crockett asked if there would be any value in having the annual joint meeting with the EDA and Frederick Water participating together.

Ms. McCann-Slaughter stated the joint meeting is done before the BOS meeting and time is limited. She thought it might be a better idea to have all authorities, i.e., Frederick Water, Winchester Regional Airport, Inland Port and EDA, do a work session together. Mr. Barker will discuss this idea with the directors of the other entities to see if there is any interest.

Ms. Brooks suggested highlighting any awards local companies have received.

CLOSED SESSION

Upon Motion duly made by Mr. Rinker, seconded by Ms. McCann-Slaughter, the Authority unanimously RESOLVED to go into a closed meeting pursuant to Section 2.2-3711(A)(3) of the Code of Virginia (1950, as amended) for the discussion and consideration of the acquisition of real property for a public purpose, or of 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.

RETURN TO OPEN MEETING

At the conclusion of the closed meeting concerning the discussion or consideration of the acquisition of real property for a public purpose, 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, the following Resolution was unanimously adopted upon roll call vote as set forth below:

WHEREAS, the Economic Development Authority of the County of Frederick, Virginia has concluded its "closed meeting" at a meeting held on December 3, 2020, and desires return to an "open meeting"; and

WHEREAS, the adoption of this Resolution is intended to serve as the "Certificate" described in Section 2.2-3712(D) of the Code of Virginia (1950, as amended).

NOW THEREFORE, BE IT RESOLVED that the Economic Development Authority of the County of Frederick, Virginia does hereby reconvene in an "open meeting" at its meeting held on December 3, 2020; and

BE IT FURTHER RESOLVED that each and every Member of said Authority who votes in the affirmative for this Resolution does thereby certify to the best of each Member's knowledge that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were heard, discussed or considered during the closed meeting, and that only such public business matters as were identified in the Motion which convened the closed meeting were heard, discussed or considered during the course of said closed meeting by the Authority:

Roll Call	<u>Vote</u>
J. Stanley Crockett	Aye
Susan Brooks	Aye
Bryan Fairbanks	Absent
Heather McKay	Aye
Doug Rinker	Aye
Judy McCann-Slaughter	Aye
Rick Till	Aye

Following the return to an open meeting, Mr. Rinker made a motion that the EDA seek a more current real estate appraisal in mid- to late-winter 2021 and offers prior to that date be put "on hold" until that information is received. Motion was seconded by Ms. McCann-Slaughter and approved by the following recorded vote:

J. Stanley Crockett	Aye
Susan Brooks	Aye
Bryan Fairbanks	Absent
Heather McKay	Aye
Doug Rinker	Aye
Judy McCann-Slaughter	Aye
Rick Till	Aye

ADJOURN

There being no further business to come before 9:13 a.m.	ore this Authority, the meeting was adjourned at
Stan Crockett Chairman	Jay Tibbs Secretary



DATE: February 1, 2021

TO: Board of Directors

Frederick County Economic Development Authority

FROM: Patrick Barker, CEcD

Executive Director

CC: Jay Tibbs

Deputy County Administrator

RE: Joint Meeting with Board of Supervisors | Recap

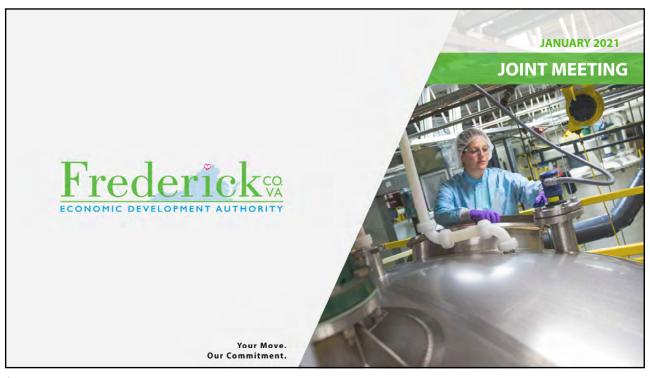
On Wednesday, January 13th, the EDA and Board of Supervisors held their annual discussion and review of Board of Supervisors' expectations for economic development.

The following planned activities for the next 12 months were presented and discussed.

- Activity #1 | Partner with appropriate local and regional partners to create solutions for current and projected workforce needs
 - Implementation of Shenandoah Valley Talent Solutions Strategy (digital aspects website and resource showcase)
 - Assist the Workforce Initiative Board with project implementation
 - A workforce model for manufacturing, information technology, and construction similar to the medical career model)
 - Enhanced community outreach/advocacy to parents, guardians, coaches, teachers, counselors
- Activity #2 | Continue refinement of the business sites program
 - Finalize a Business Ready Sites Loan Program Agreement with one or more of the characterized sites (Artillery Business Center & Carbaugh Business Center)
 - Commencement of Renaissance Boulevard is a key component for development of those sites
 - Complete additional site characterizations when additional sites matching the approved criteria come to market
- Activity #3 | Cooperative marketing match program with agribusiness entities
 - Creation of a program where two or more agribusiness entities agree to market an event/activity together (i.e. peach/apple festival) as a result the EDA would provide a cash match and Lord Fairfax Small Business Development Center would provide assistance with the marketing plan.

- Activity #4 | Expansion of retention activities
 - Identify "gazelle" businesses to add to call team rotation and other retention activities. "Gazelles" are very fast-growing companies. These types of companies maintain consistent and rapid expansion of both employment and sales.
- Activity #5 | Collaborative marketing with Winchester Regional Airport
 - Partner with the Winchester Regional Airport (WRA) to identify realistic development opportunities for WRA, develop marketing materials and a marketing plan and engage companies with large government portfolio and direct government user

Staff is seeking general discussion and feedback from the Authority from the annual meeting.



AGENDA

January 13, 2021



- 1. Call to order
- 2. Chair's comments
- 3. Brief recap of activities since last joint meeting
- 4. Discussion of EDA focus and planned activities for next 12 months
- 5. Board of Supervisors consensus regarding EDA focus and planned activities
- 6. Adjourn

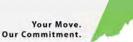


CHAIR COMMENTS

Stan Crockett, EDA Chair Charles DeHaven, BOS Chair

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EDA STAFF



Patrick Barker, CEcD | Executive Director

- Perform sstrategicplanning
- Handles reactive & proactive clients
- M anagesprojectnegotiation
- Conducts advanced data analysis

Sally Michaels | Business Retention Manager

- M anages existing business CallTeam
- Leads Career Pathways Program
- Supports The Workforce Initiative

Wendy May | Marketing Manager

- Managesweb presence and all publications
- Createsdirectm arketing m aterials
- Handles all press releases and socialm edia

Donna McIlwee | Administrative Assistant

- Processes financial records
- Handles special projects, as requested
- Supports staff, as needed

Δ



RECAP OF ACTIVITIES SINCE LAST MEETING

Highlights of Accomplishments from Last Year's Planned Activities

5

RECAP OF ACTIVITIES SINCE LAST MEETING



Covid-19 Response

Outreach Activities

W ebsite and collateralm aterials

Workforce Initiative

Client Activity

COVID-19 RESPONSE



Multi-prong

- Information dissemination
- Partnership
- Directassistance

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COVID-19 RESPONSE

Your Move. Our Commitment.

Move.

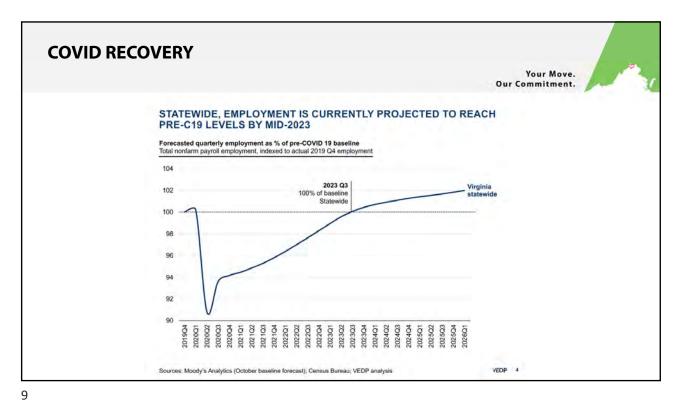
Multi-prong

- Partnership
 - OtherEDAs, Chamber, SmallBusiness
 Development Center and Tourism
- Directassistance
 - Two roundsofForward Frederick Grants
 - Over\$700,000 to 90 County business and areas non-profits



Forward

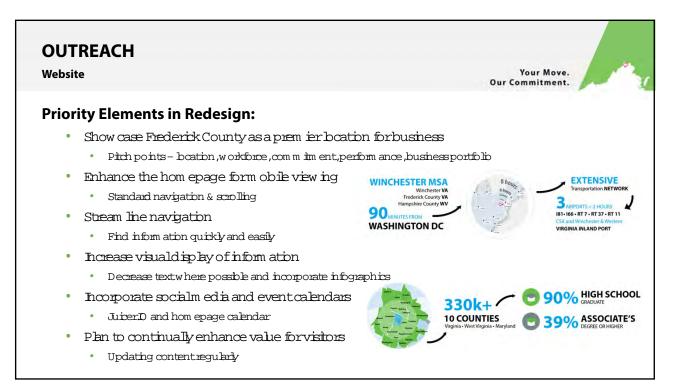


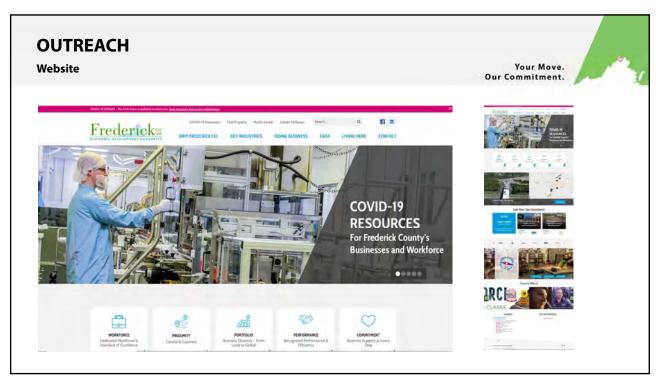


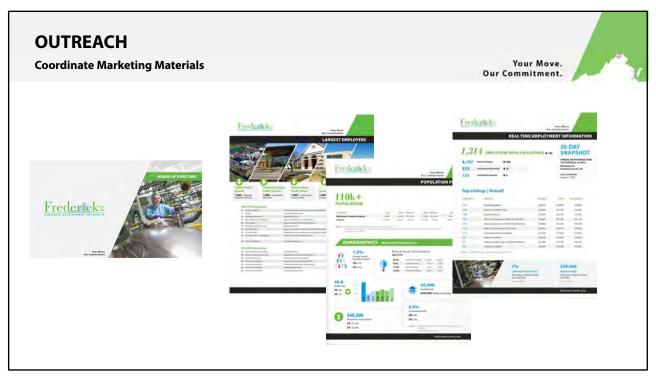


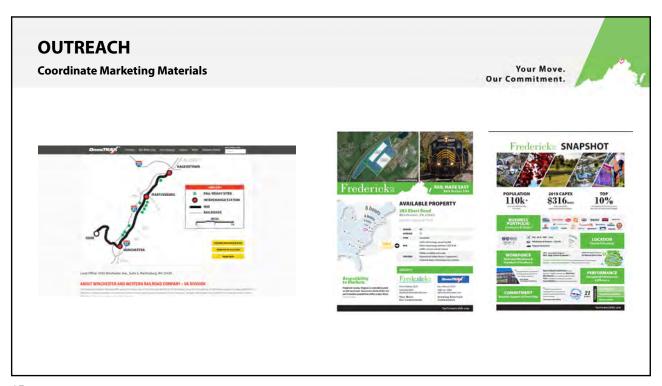


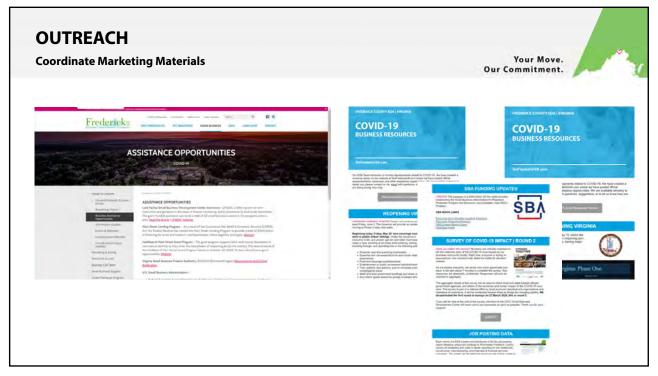
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OUTREACH

Website

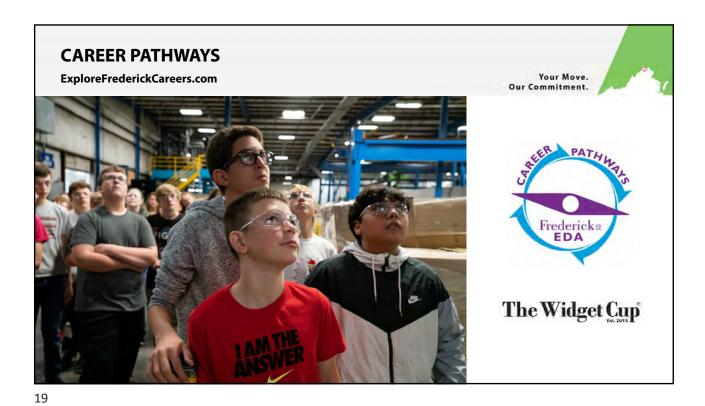
Your Move. Our Commitment.

Web Traffic

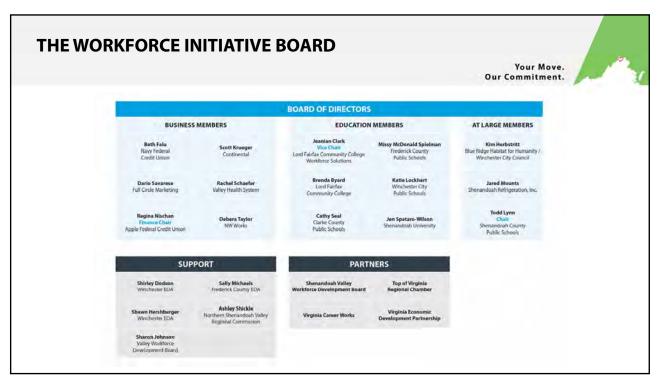
- 750 unique visitors perm onth average
- Mostviewed content
 - Homepage
 - Mediacenter
 - Property
 - Data
 - Contact inform ation
- Since M arch 11,2019
 - 45% of traffic COVD resource center

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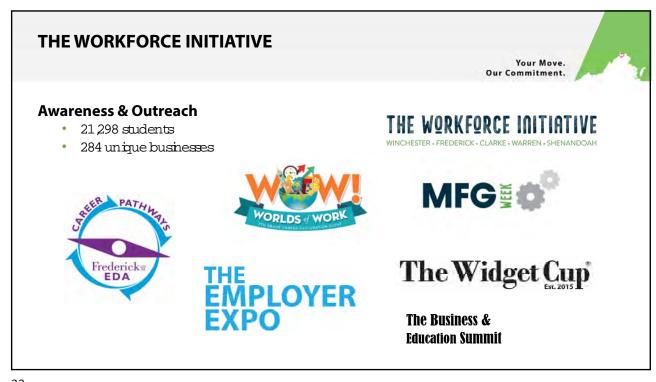
Tour Move. Our Commitment. 76 Businesses • M anufacturing • Large em p byers Data • Expansion • Products • W orkforce availability and quality











TARGET INDUSTRY ANALYSIS



Identify eight (8) specific industry targets for Frederick County

- Employed in EDAsbusiness retention and attraction efforts
 - Based on current and future industry boation trends including COVD
- Provide w ith key bcation decision points of each sector

Perform a tailored competitiveness analysis for Frederick County

- Refine the (sub-)ectors in order to make them more relevant to the specific strengths of Frederick County
- Com plete benchm ark boation analysis from Frederick County's typical com petitor boations

Create value proposition/marketing messages

- Develop data driven why Frederick County statem ents
- Craft into m arketing m essages for Frederick County
 - Based on most recent trend and boation data

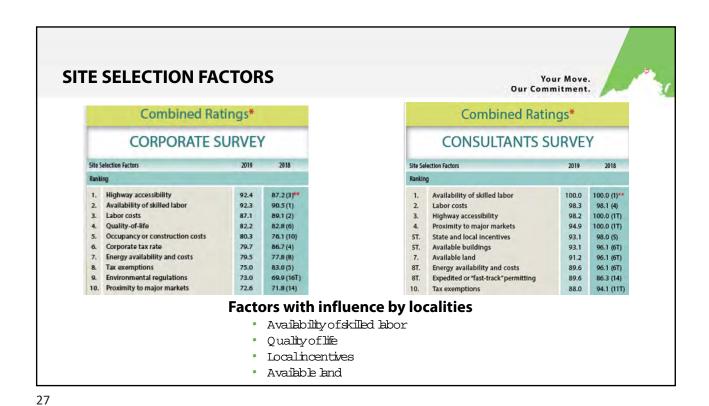


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POINTS OF NOTE

Site Selection Factors Industrial Land Inventory



SITES INVENTORY Your Move. Our Commitment. Frederick SITES INVENTORY <50 50-199 200-999 1,000+ Total Share of total Certified Pad-ready FIND PROPERTY Region Frederick County, VA sites VA sites sites Econ Coalition of N. Shen, Valley Lynchburg Regional Bus, Aliane Roanoke Regional Partnership 54 5% Fredericksburg Regional Alliance Shenandoah Valley Partnership 4% 75 34 126 12% Greater Richmond Partnership 12% 68 109 10% Note: Counts are based on available inventory as shown on sites vedp org on the last day of the quarter. Certified sites are Tile 45 in VBRSP and/or certified by a credible site selection organization or economic organization. Tier 4: All infrastructure is in place or will be deliverable within 12 months. All permit issues have been identified and quantified. Tier 5: All permits are in place and the site is ready for a site disturbance permit from the locality in which the site is located.



EDA STRATEGIC DIRECTION

Mission Goals

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EDA STRATEGIC DIRECTION

Your Move. Our Commitment.

Mission

 Facilitate econom is development efforts for Frederick County through the metention, expansion, and attraction of businesses that create high quality jobs and new capital investment resulting in Frederick County as a premier business boation and enhancing the quality of life for its citizens.

Goals

- Address current and projected workforce needs by engaging the talent in Frederick County and greater community encouraging the irretention and attraction
- Enhance Frederick County's business environment to encourage the expansion and retention of existing business prospers
- Conduct strategic and m easured business attraction efforts to expand the commercial and industrial base and create quality pbs for all citizens.
- Foster and maintain a pro-business climate by enhancing critical assets and employing business friendly policies and procedures.



DISCUSSION OF EDA FOCUS AND PLANNED ACTIVITIES

Past 12 months
Next 12 months

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PLANNED ACTIVITIES LAST 12 MONTHS



Activity #1 | Partner with appropriate local and regional partners to create solutions for current and projected workforce need

- Completed the Shenandoah Valley Talent Solutions Strategy
- Continued support of Manufacturing Week, a Workforce Initiative profect
 - Better inform sthe public whatourm anufacturers do and what they contribute
- Hosted again an em ployerexpo, a Workforce Initiative project
 - A regional com prehensive hiring event featuring com panies, professional developm ent workshops and fast track training providers

Activity #2 | Continue refinement of the business sites program

- Participated in the Statewide Enhanced Site Characterization and Assessment Study
 - Characterized available industrial sites with 25 orm one acres
 - Resulted in the addition of one new site following the Virginia Business Ready Site Program and completed drone videos of all characterized site.



Continuation of activities from past year

- Partnerw ith appropriate boaland regional partners to create solutions for current and projected workforce need
- Continue refinem entofthe business sites program

Introduction of additional ones

- Cooperative m arketing m atch program with agribusiness entities
- Expansion of retention activities
- Collaborative m arketing with W inchester Regional Airport

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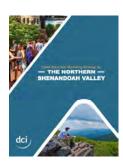
PLANNED ACTIVITIES NEXT 12 MONTHS



Activity #1 | Partner with appropriate local and regional partners to create solutions for current and projected workforce need

- In plem entation of Shenandoah Valley Talent Solutions Strategy (digital aspects website and resource show case)
- Assist the Workforce Initiative Board with project in plem entation
 - A workforce models form anufacturing, information technology, and construction similar to the medical careermodel)
 - Enhanced community outreach/advocacy to parents, guardians, coaches, teachers, counse brs







Activity #2 | Continue refinement of the business sites program

- Finalize a Business Ready Sites Loan Program Agreem entwith one orm ore of the characterized sites (Artillery Business Center & Carbaugh Business Center)
 - Com m encem entofRenaissance Boulevard is a key com ponent fordevelopm entofthose sites
- Com plete additionalsite characterizations when additionalsites m atching the approved criteria com e to m arket



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PLANNED ACTIVITIES NEXT 12 MONTHS



Activity #3 | Cooperative marketing match program with agribusiness entities

- Creation of a program where two orm ore agribusiness entities agree to market an event/activity together (ie.peach/apple festival)
 - EDA w ould provide a cash m atch
 - Lord Fairfax Sm all Business Developm ent Centerwould provide assistance with the marketing plan







Activity #4 | Expansion of retention activities

- Identify 'gazele' businesses to add to call team notation and other retention activities.
 - "Gazeles" are very fast-growing companies. These types of companies maintain consistent and rapid expansion of both employment and sales.



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PLANNED ACTIVITIES NEXT 12 MONTHS





- Identify realistic developm entopportunities for WRA
- Develop m arketing m aterials and a m arketing plan
- Engage com panieswith large governm entportfolio and directgovernm entuser





Feedback to Planned Activities

- Activity #1 | Partnerw ith appropriate boaland regional partners to create solutions for current and projected workforce need
- Activity #2 | Continue refinem entof the business sites program
- Activity #3 | Cooperative m arketing m atch program with agribusiness entities
- Activity #4 | Expansion of retention activities
- Activity #5 | Collaborative m arketing with Winchester Regional Airport

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DATE: February 1, 2021

TO: Board of Directors,

Frederick County Economic Development Authority

FROM: Patrick Barker, CEcD

Executive Director

CC: Jay Tibbs

Deputy County Administrator

RE: Hope Drive Property License Agreement

With Hope Drive construction close to starting, Perry Engineering is requesting the use of the EDA Property for staging and related construction activities. Attached is the license agreement with Perry Engineering for their use of the property. EDA legal counsel, Mike Bryan, has reviewed. EDA Board action is requested on the agreement.



THIS LICENSE AGREEMENT (the "Agreement"), made and dated this _____

day of _____, 2021, by and between PERRY ENGINEERING COMPANY, INC.

("Perry Engineering") and ECONOMIC DEVELOPMENT AUTHORITY OF THE

COUNTY OF FREDERICK, VIRGINIA, a political subdivision of the Commonwealth of Virginia ("EDA").

RECITALS:

- A. The EDA owns fee simple title to that certain lot or parcel of land lying and being situate on the southern side of the proposed extension of Hope Drive and the western side of the proposed extension of Papermill Road at the intersection of said streets, containing 4.5624 acres (198,739 square feet) in the southern section of the City of Winchester, Virginia, being more particularly described on that certain plat titled "Plat Showing Street Dedication and Various Easements on New Lot 2 of the Land of Economic Development Authority of the County of Frederick, Virginia" dated January 26, 2016, revised October 20, 2016, drawn by Ryan J. Dreelin, L.S., which plat is attached to and made a part of that certain Deed of Street Dedication, Easements and Vacation of Easement dated December 14, 2016, of record in the Clerk's Office of the Circuit Court of the City of Winchester, Virginia as Instrument No. 160002992, and being a portion of the lands acquired by that certain Deed of Gift dated March 2, 2015, of record in the aforesaid Clerk's Office as Instrument No. 150000394, Tax Map No. 291-1-3A (the "EDA Property").
- B. Perry Engineering seeks permission to use a portion of the EDA Property as a laydown area/equipment storage for the Hope Drive project that Perry Engineering has been awarded by the City of Winchester, Virginia (the "Licensed Use"). The EDA intends to

grant a license to Perry Engineering for such limited purposes, as more fully set forth hereinafter.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid by each of the parties hereto unto the other, the receipt and sufficiency of which is hereby acknowledged, and other consideration deemed adequate at law, the parties do hereby agree as follows:

- 1. **Recitals**: The Recitals are incorporated herein and made a part hereof as if set out in full.
- 2. Grant of License: For the period commencing on January 8, 2021, and ending on August 30, 2022, the EDA grants to Perry Engineering the non-exclusive right and license to enter upon the EDA Property for the Licensed Use (the "License") provided that in conducting all activities related to the Licensed Use, Perry Engineering complies with all applicable laws and regulations, obtains any required permits and obtains and maintains the insurance related thereto.
- 3. <u>Termination</u>: The License granted hereunder shall terminate on or before August 30, 2022. Perry Engineering shall repair and reasonably restore the EDA Property and adjacent areas to the condition existing immediately prior to use by Perry Engineering upon termination of this License.
- 4. <u>Insurance and Indemnity</u>: Perry Engineering shall indemnify, hold harmless, and upon request by EDA, defend EDA against all suits, damages, liabilities, claims, and expenses, including reasonable attorneys' fees and litigation costs, incurred by the EDA as a

result of Perry Engineering's entry upon the EDA Property and Perry Engineering's use of the

EDA Property as a laydown/equipment storage area, except it shall not indemnify EDA from

any conditions existing at the time of its entry whether previously known or unknown to

EDA. Perry Engineering shall obtain a policy of commercial general liability insurance

providing coverage of at least One Million Dollars (\$1,000,000.00) per occurrence and Three

Million Dollars (\$3,000,000.00) in the aggregate for death, bodily injury, and property

damage arising out of the activities of Perry Engineering, and its agents, employees, and

contractors, upon the EDA Property. Upon written request from EDA, Perry Engineering

shall furnish the EDA with certificates of insurance issued by the appropriate insurance

carrier(s) demonstrating compliance with the terms of this Paragraph 4.

5. Notices: Any notice required or permitted to be given under this Agreement shall

be deemed to be given when (I) received by confirmed e-mail transmission; (ii) hand-

delivered by personal delivery; (iii) one (1) business day after pickup by UPS, Federal

Express or similar overnight delivery service; (iv) when received by registered or certified

mail (return receipt requested, first-class postage prepaid); or (v) received by confirmed

facsimile, in either case addressed to the parties as follows:

Perry Engineering Company, Inc.:

1945 Millwood Pike

Winchester, VA 22602

Attn: Michael Perry, President

EDA:

45 East Boscawen Street Winchester, VA 22601

Attn: Patrick Barker, Executive Director

with a copy to:

Michael L. Bryan, Esquire 116 South Braddock Street Winchester, VA 22601

- 6. Attorney's Fees: In the event of a default under the terms of this Agreement, the non-defaulting party shall be entitled to recover its reasonable attorney's fees and costs incurred as a result of or incident to any such default.
- 7. <u>Applicable Law</u>: This Agreement and the terms hereof shall be construed and interpreted in accordance with the laws of the Commonwealth of Virginia.
- 8. Partial Invalidity: If any provision of this Agreement is held by a Court of competent jurisdiction to be invalid or unenforceable, the remainder of the Agreement shall continue in full force and effect and shall in no way be impaired or invalidated, and the parties Agree to substitute for the invalid or unenforceable provision a valid and enforceable provision that most closely approximates the intent and economic effect of the invalid or unenforceable provision.
- 9. **Entire Agreement**: This Agreement contains the entire agreement and understanding of the parties with respect to the subject matter hereof and cannot be amended or modified except by a written agreement executed by each of the parties hereto.
 - 10. **Counterparts**: This Agreement may be executed in one or more counterparts,

each of which shall, for all purposes, be deemed an original and all such counterparts, taken together, shall constitute one and the same instrument.

11. <u>Time of the Essence</u>: Time is of the essence as to all matters set forth herein.WITNESS the following signatures and seals:

PERRY ENGINEERING COMPANY, INC.

By:(SEAL) Michael Perry, President
STATE OF VIRGINIA, AT LARGE
CITY/COUNTY OF to-wit:
The foregoing instrument was acknowledged before me, a Notary Public in and for
the State and Jurisdiction aforesaid, this day of, 2021, by
Michael Perry, who is President of Perry Engineering Company, Inc.
My Commission expires
NOTADV DI IDI IC

ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF FREDERICK, VIRGINIA

Ву:	(SEAL)	
By:(SEAL) Patrick Barker, Executive Director		
STATE OF VIRGINIA, AT LARGE,		
CITY/COUNTY OF, to-wit:		
The foregoing instrument was acknowledged before me, a Notary P	ublic in and for	
the State and Jurisdiction aforesaid, this day of, 2021, by P	atrick Barker,	
Executive Director of Economic Development Authority of the County of Frederick,		
Virginia.		
My Commission expires		
NOTARY PUBLIC		

MLB\smb Contracts\EDA, Perry Engineering License Agreement 1/12/21



DATE: February 1, 2021

TO: Board of Directors,

Frederick County Economic Development Authority

FROM: Patrick Barker, CEcD

Executive Director

CC: Jay Tibbs

Deputy County Administrator

RE: EDA Brownfields Program

Draper Aden Associates has approached EDA staff about participating in a U.S. Environmental Protection Agency grant program. The program provides grant funding to assist regions in assessing or cleaning up Brownfield sites, which are properties where there is a confirmed presence of hazardous substances, pollutants and contaminants — or the suspected presence of them. The grant can be used for environmental site assessments, cleanup planning efforts, and community engagement, to name a few. Additional details are provided as well as articles on to last two-years of awards.

While there is no net cost to the EDA to participate, there are upfront costs, but it would be recouped through the grant. The EDA will be sent an invoice for services by Draper Aden, typically range from \$20,000 to \$50,000 at a time. EDA submits for reimbursement with a very short turnaround for reimbursement for all invoices.

Staff is inquiring to the EDA Board interest in partnering with the City of Winchester and other neighboring Virginia localities to participate in this program.

EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfield sites. A brownfield site is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. EPA's Brownfields Program provides financial and technical assistance for brownfield revitalization, including grants for environmental assessment, cleanup, and job training.

What are EPA Brownfields Assessment Grants?

Assessment grants provide funding for a grant recipient to:

- Inventory Sites: *Compile a listing*
- Characterize Sites: *Identify past uses*
- Assess Sites: Determine existing contamination
- Conduct Planning for Cleanup and Redevelopment: Scope and plan process
- Conduct Community Involvement: *Inform and engage community*



What are Assessment Coalitions?

An Assessment Coalition is comprised of three or more eligible entities. The lead coalition member submits a Community-wide Assessment Grant proposal on behalf of itself and the other members. The coalition may request up to **\$600,000** to work on a **minimum** of **five** hazardous substance and/or petroleum sites.

Who is Eligible to Apply as a Coalition for an Assessment Grant?

Eligible entities, including those with existing brownfields assessment grants, are: state, local and tribal governments, with the exception of certain Indian tribes in Alaska; general purpose units of local government, land clearance authorities, or other quasi-governmental entities; regional councils; redevelopment agencies; government entities created by state legislatures; 501(c)(3) nonprofit organizations; and qualified community development entity as defined in section 45D(C) (1).

- Coalition members are not eligible to apply for an individual Community-wide or Site-specific Assessment Grant in the year they apply as part of a coalition.
- Some **properties** are **ineligible** for funding unless EPA makes a site-specific funding determination.

Why Should an Entity Form an Assessment Coalition?

- Increases access to assessment resources for communities that might have limited resources to administer a brownfield grant.
- Helps a state or county to focus assessment dollars on geographical areas with the greatest need over a given time. The larger pool of funding allows the coalition to shift geographic focus to new areas as revitalization needs are identified.

Assessment Coalitions - The Basics

- The grant recipient (lead coalition member) **must** administer the grant, be accountable to EPA for proper expenditure of the funds, and be the point of contact for the other coalition members.
- Assessment Coalition Grants are **community-wide**.
- Assessment Coalitions **must** assess a minimum of five sites regardless of funding request (e.g., less than or up to \$600,000).
- Assessment Coalitions may request hazardous substance *and/or* petroleum funding as long as the request is not over \$600,000.
- A **Memorandum of Agreement** (MOA) documenting the coalition's site selection process must be in place prior to the expenditure of any funds that have been awarded to the lead coalition. It is up to the coalition to agree internally about the distribution of funds and the mechanisms for implementing the assessment work.

- Assessment Coalitions can cross regional boundaries, but will be managed out of the EPA Region where the grant recipient is located.
- An eligible city entity and a redevelopment authority from the same locality can be coalition members provided the entities are separate legal entities under state and local law.
- No more than \$200,000 can be expended on a site.
- For Assessment Coalitions involving state entities:
 - Only one eligible state entity can apply as the lead coalition member (e.g., state environmental agency, state economic development agency) or be part of a coalition. An eligible state entity cannot be a member of two or more Assessment Coalitions.
 - If an eligible state entity is part of a coalition that receives an Assessment Grant, no additional Assessment Grants can be awarded to state entities from the grant recipient's state.

What are Some Examples of How Assessment Coalitions Work?

Example #1

A state agency applies for EPA Brownfields Grant funding together with several smaller communities as members of a coalition. The state assumes the role of "recipient" (i.e., the entity that would administer the grant, is accountable to EPA for proper expenditure of the funds, and acts as point of contact for other coalition members). These entities have formed a coalition to target numerous sites that have become blighted and/or under-utilized along an historic highway running through the communities.

Example #2

A coalition of metro municipalities, such as one large city and several surrounding cities/towns, could apply for \$600,000. In a given year, one coalition member's site assessment needs may be relatively minimal compared to another member's, or the ability to assess a targeted site may be complicated by legal access issues. Priorities can

Brownfields Assessment Grants do not provide resources to conduct cleanup or building demolition activities. Cleanup assistance is available under EPA's Multipurpose, Cleanup, and Revolving Loan Fund (RLF) Grants. Information on EPA's Brownfields Grants, please visit www.epa.gov/brownfields.

be set each year to conduct assessments on the properties that have the most immediate need.

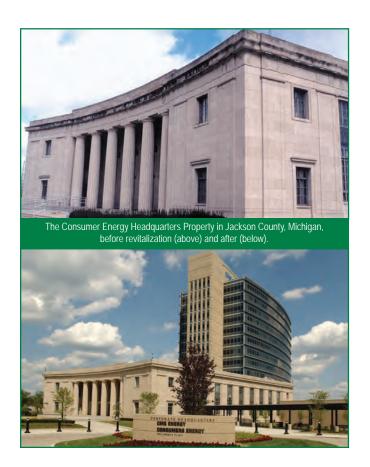
How Do I Apply as a Coalition for an Assessment Grant?

A single, eligible entity applies as a coalition for a Community-wide Assessment Grant on behalf of itself and other eligible entities. A proposal submitted by a coalition **must** include:

- Applicant information (e.g., describe all jurisdictions covered under the proposal, and provide their general populations).
- Applicable mandatory attachments (e.g., coalition applicants for Assessment Grants must document how all coalition members are eligible entities; and all coalition members must submit a letter to the potential grant recipient in which they agree to be part of the coalition).
- Responses to evaluation criteria.

How Long is the Performance Period for an Assessment Coalition Grant?

The period of performance is three years.



An official website of the United States government.



News Releases from Region 03

EPA Selects Six Virginia Projects to Receive \$1.7 Million for Brownfields Cleanup and Assessment

05/06/2020

Contact Information: (<u>r3press@epa.gov</u>)

PHILADELPHIA (May 6, 2020) – The U.S. Environmental Protection Agency (EPA) today announced that six Virginia communities have been selected to receive a total of \$1.7 million to assess and clean up contaminated properties under the agency's Brownfields program.

"These grants will help communities in need transform contaminated sites into community assets that not only create jobs and jumpstart economic development but also improve public health and the environment," **said EPA Regional Administrator Cosmo Servidio.** "These funds are going to areas that need them the most. Several of the selected recipients are receiving Brownfields grants for the first time or targeted to areas within Opportunity Zones."

The Virginia Brownfields Grant recipients are:

Altavista, VA, Assessment Grant - \$300,000: Assessment activities will focus on the town's downtown district and an adjacent former industrial district. Priority sites include the Lane Furniture Plant and the English Alley Triangle.

Bristol, VA, Assessment Grant - \$300,000: The target area for this grant includes the Bob Morrison Boulevard Area, which is in a Qualified Opportunity Zone, and the Fairview Street Neighborhood. Priority sites include a 10-acre former lingerie factory and a 19-acre former paper mill and iron company that has been vacant for over 20 years.

Pulaski, VA, Assessment Grant - \$300,000: Assessment activities will focus on the Midtown and Hospital Hill areas, which include Qualified Opportunity Zones. Priority sites include an abandoned former furniture company, the former Pulaski Hospital site and the historic Calfee Training School.

Saltville Industrial Development Authority, Saltville, VA, Cleanup Grant - \$250,000: Grant funds will be used to clean up the Former Saltville Town Shop in the Town of Saltville. Historically, the site was subject to extensive solution salt

mining, which involved the injection of water and extraction of salt brine from wells.

The Nature Conservancy, Jonesville, VA, Cleanup Grant - \$208,000: Grant funds will be used to clean up the former Russell Sawmill Tract located adjacent to and north of State Route 662 two miles west of the Town of Jonesville. The 71.7-acre cleanup site was used for sawmill operations from 1990 until 2011.'

Waynesboro, VA, Assessment Grant - \$300,000: Assessment funds will focus on the City's Entryway Corridor and Downtown area, parts of which are both located in Qualified Opportunity Zones. Priority sites include a former brass foundry and additional properties with a history of commercial, automotive, and light industrial use.

"Cleaning up and redeveloping old industrial sites can be an enormous challenge for local governments," **said Congressman Morgan Griffith (VA-09).** "The EPA's Brownfields program offers vital assistance in getting the job done. The grants awarded today are a significant investment in our region's environmental renewal and economic opportunity."

Nationwide, 151 communities are selected to receive grant awards totaling over \$65.6 million in EPA brownfields funding through the Assessment, Revolving Loan Fund and Clean up Grant Programs. These funds will aid under-served and economically disadvantaged communities, including neighborhoods located in Opportunity Zones, in assessing and cleaning up abandoned industrial and commercial properties. An Opportunity Zone is an economically distressed community where new investment, under certain conditions, may be eligible for preferential tax treatment.

Grants awarded by EPA's Brownfields Program provide communities across the country with an opportunity to transform contaminated sites into community assets that attract jobs and achieve broader economic development outcomes, while taking advantage of existing infrastructure. For example, brownfields grants are shown to:

- Increase Local Tax Revenue: A study of 48 brownfields sites found that an estimated \$29 million to \$97 million in additional local tax revenue was generated in a single year after cleanup. This is two to seven times more than the \$12.4 million EPA contributed to the cleanup of these sites.
- Increase Residential Property Values: Another study found that property values of homes near revitalized brownfields sites increased between 5 and 15 percent following cleanup.

Background

A brownfield is a property for which the expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. There are estimated to be more than 450,000 brownfields in the United States. EPA's Brownfields Program began in 1995 and has provided nearly \$1.6 billion in brownfield grants to assess and clean up contaminated properties and return blighted properties to productive reuse. To date, brownfields investments have leveraged more than \$31 billion in cleanup and redevelopment. Over the years, the relatively small investment of federal funding leveraged more than 160,000 jobs, from both public and private sources.

List of the FY 2020 applicants selected for funding:

https://www.epa.gov/brownfields/applicants-selected-fy-2020-brownfields-assessment-revolving-loan-fund-and-cleanup-0

For more on the brownfields grants: https://www.epa.gov/brownfields/types-brownfields-grant-funding

For more on EPA's Brownfields Program: https://www.epa.gov/brownfields

For more information about EPA's role in Opportunity Zones: https://www.epa.gov/opportunity-zones

For information on the studies related to the Brownfields Program's environmental and economic benefits:

 $\frac{https://www.epa.gov/brownfields/brownfields-program-environmental-and-economic-benefits}{}$

EPA Mid-Atlantic Region's mission is to protect human health and the environment for Delaware, District of Columbia Maryland, Pennsylvania, Virginia, West Virginia and seven federally recognized tribes. Meeting the diverse environmental challenges of a Region with the nation's largest estuary, rural expanses and major cities and agricultural centers, EPA Mid-Atlantic's successes are shouldered by the dedication and talents of its employees and the strong relationships it has fostered with partners in its states and communities. For more information, visit: https://www.epa.gov/sites/production/files/2020-02/documents/r3_digital-final-mid-atlantic-yir-report-2019.pdf

Follow EPA Region 3 on Twitter at https://twitter.com/eparegion3 and visit our Facebook page, at http://www.facebook.com/EPAregion3/

LAST UPDATED ON MAY 6, 2020

An official website of the United States government.



News Releases from Region 03

EPA announces \$3.3 million in Brownfields Grants to seven Virginia communities

07/24/2019

Contact Information: US EPA Region 3 (<u>R3press@epa.gov</u>)

NORFOLK, Va. (July 24, 2019) – In conjunction with the start of Virginia's Annual Brownfields Conference today, the U.S. Environmental Protection Agency (EPA) announced \$3.3 million in Brownfields funding benefitting seven Virginia communities. The seven are among 149 communities selected to receive 151 grant awards totaling \$64,623,553 million in EPA Brownfields funding. These grants help communities assess and clean up abandoned industrial and commercial properties for redevelopment and reuse.

"These grants fulfill several of President Trump's top priorities simultaneously: helping communities in need transform contaminated sites into community assets that not only create jobs and jumpstart economic development but also improve public health and the environment," said **EPA Administrator Andrew Wheeler**. "We are targeting these funds to areas that need them the most. Approximately 40 percent of the selected recipients are receiving Brownfields grants for the first time, which means we are reaching areas that may previously been neglected, and 108 of the selected communities have identified sites or targeted areas for redevelopment that fall within Opportunity Zones."

Six of the Virginia grantees will conduct environmental assessments or redevelopment planning activities in Opportunity Zones.

"I applaud Virginia's community leaders for their efforts to redevelop neighborhoods, create jobs and build healthy communities," **said Cosmo Servidio, EPA Mid-Atlantic Regional Administrator.** "I'm hopeful that the environmental assessments and redevelopment planning made possible by EPA's Brownfields grants will boost interest and bring additional investments to your revitalization plans."

The Virginia Brownfields projects announced today include:

The Town of Bluefield will receive \$600,000 to conduct 20 environmental site assessments, prepare eight cleanup plans and a downtown revitalization plan for Bluefield. Grant funds also will be used to prepare three endangered species or

cultural resources surveys and conduct site reuse assessments and community involvement. Coalition partners are the City of Bluefield and the Bluefield Industrial Development Authority.

The City of Danville will receive \$300,000 to conduct environmental assessments in the River District and the Schoolfield area. The White Mill, the Long Mill parcels, and Schoolfield sites are a priority for assessments. Grant funds also will be used to update the White Mill, Schoolfield, and riverfront park redevelopment plans, prepare a Long Mill redevelopment concept and conduct community outreach activities.

The LENOWISCO Planning District Commission, which includes Lee, Wise, Dickenson and Scott Counties, will receive \$600,000 to conduct environmental assessments, complete a cleanup plan, and develop reuse plans for sites along the Powell River Trail North abandoned railroad corridor, on abandoned mine land properties, and at seven former grade school properties in Clintwood. Priority sites include the Kent Junction Gob Pile and Clintwood High School. The grant will be used to establish a secondary brownfield inventory and conduct community outreach. Coalition partners are the Lonesome Pine Regional Industrial Facility Authority and Dickenson County.

The City of Martinsville will receive \$300,000 to conduct environmental assessments and create three redevelopment plans focusing on priority sites located in the Uptown Martinsville neighborhood: the Rives Theater, Chief Tassel Building, and Sara Lee Apparel plant. Grant funds also will be used to develop a GIS-based brownfields site inventory and conduct community outreach activities.

The City of Richmond will receive \$600,000 to conduct enviornmental assessments of sites in the Northside and Southside areas of the city. The City will also use the grant funding to prepare a brownfields inventory, develop six cleanup plans, and conduct community engagement activities. The Coalition partners are Henrico County and project:HOMES, a non-profit organization focused on safe and affordable housing in Central Virginia.

The Town of Vinton will receive \$300,000 to conduct environmental assessments in four areas: the Route 24 /Washington Avenue/Gus Nicks Boulevard area; the Route 634/Virginia Avenue/Hardy Road area; Pollard Street; and the Cleveland and Jackson Avenues area. Grant funds will also be used to develop a GIS-based brownfields inventory, prioritize sites, develop three cleanup plans, and support community outreach activities.

The City of Williamsburg will receive \$600,000 to conduct environmental assessments in the Edge area on the eastern side of the city, the unincorporated community of Grove in James City County, and the Lightfoot and Tabb Lakes areas. Grant funds will also be used to develop six remediation/redevelopment plans, prepare a brownfields database, prioritize sites for assessment, and support community engagement activities. Coalition partners are James City County, York County, and the Greater Williamsburg Partnership.

Grants awarded by EPA's Brownfield Program provide communities across the country with an opportunity to transform contaminated sites into community assets that attract jobs and achieve broader economic development outcomes while taking advantage of existing infrastructure.

Brownfields grants have been shown to:

- * Increase Local Tax Revenue: A study of 48 brownfields sites found that an estimated \$29 million to \$97 million in additional local tax revenue was generated in a single year after cleanup. This is two to seven times more than the \$12.4 million EPA contributed to the cleanup of these sites.
- * Increase Residential Property Values: Another study found that property values of homes near revitalized brownfields sites increased between 5% and 15% following cleanup.

Background

A brownfield is a property for which the expansion, redevelopment or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant. There are estimated to be more than 450,000 brownfields in the U.S. As of May 2019, under the EPA Brownfields Program 30,153 properties have been assessed, and 86,131 acres of idle land have been made ready for productive use. In addition, communities have been able to use Brownfields grants to leverage 150,120 jobs and more than \$28 billion of public and private funding.

In 2018 Congress reauthorized the statutory authority for the Brownfields Program. The reauthorization included changes to the program to expand the list of entities eligible for Brownfields grants, increase the limit of individual Brownfields cleanup grants to \$500,000, and add grant authority for Multipurpose grants. These important changes will help communities address and cleanup more complex brownfield sites.

The 2019 National Brownfields Training Conference will be held December 11-13 in Los Angeles, California. Offered every two years, this conference is the largest gathering of stakeholders focused on cleaning up and reusing formerly utilized commercial and industrial properties. EPA cosponsors this event with the International City/County Management Association.

List of all of the FY 2019 Applicants Selected for funding: https://www.epa.gov/brownfields/applicants-selected-fy19-brownfields-multipurpose-assessment-and-cleanup-grants.

For more on the Brownfields Grants: <u>https://www.epa.gov/brownfields/types-brownfields-grant-funding.</u>

For more on EPA's Brownfields Program: https://www.epa.gov/brownfields.

For more on the 2019 National Brownfields Training Conference: https://www.brownfields2019.org.

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LAST UPDATED ON JULY 24, 2019