DANVILLE-PITTSYLVANIA
REGIONAL INDUSTRIAL FACILITY AUTHORITY

City of Danville, Virginia
County of Pittsylvania, Virginia

AGENDA

May 9, 2022

12:00 P.M.

Institute for Advanced Learning and Research
150 Slayton Avenue, Room 206
Danville, Virginia

County of Pittsylvania Members

William V. ("Vic") Ingram, Chairman
Jessie L. Barksdale
Darrell W. Dalton, Alternate

City of Danville Members

Sherman M. Saunders, Vice Chairman
J. Lee Vogler, Jr.
Dr. Gary P. Miller, Alternate

Staff

Kenneth F. Larking, City Manager, Danville
Clarence C. Monday, Pittsylvania County Interim Administrator
Christian & Barton, LLP, Legal Counsel to Authority
Susan M. DeMasi, Authority Secretary
Michael L. Adkins, Authority Treasurer

DANVILLE-PITTSYLVANIA
REGIONAL INDUSTRIAL FACILITY AUTHORITY

1. **MEETING CALLED TO ORDER**

2. **ROLL CALL**

3. **PUBLIC COMMENT PERIOD**

   Members of the public who desire to comment on a specific agenda item will be heard during this period. The Chairman/Vice Chairman of the Authority may restrict the number of speakers. Each speaker shall be limited to a total of three minutes for comments. *[Please note that the public comment period is not a question-and-answer session between the public and the Authority.]*

4. **APPROVAL OF MINUTES OF THE APRIL 11, 2022 REGULAR MEETING.**

5. **NEW BUSINESS**

   A. Consideration of Resolution No. 2022-05-09-5A, conditionally accepting the proposal of Eastern Forest Consultants LLC, a Virginia limited liability company, which was the sole response to RFP #2022-0214 issued by the Pittsylvania County Purchasing Department on behalf of the Authority, under which proposal such corporation is to provide certain professional forester services, including without limitation assessing the Authority's timber, conducting inventory and appraisal of standing timber located in the Authority's Southern Virginia Megasite at Berry Hill project in Pittsylvania County, Virginia, for purposes of marketing timber for sale; the payment for such professional forester services would be equal to 8% of the purchase price contracted and received for any such timber sale - Matthew D. Rowe, Director of Economic Development, Pittsylvania County and Shawn R. Harden, P.E., Senior Associate, Dewberry Engineers Inc.

   B. Consideration of Resolution No. 2022-05-09-5B, confirming that the Authority's real property located in Pittsylvania County, containing an aggregate of approximately 160 acres, initially acquired for the purpose of constructing and supporting a connector road to serve the Authority's Southern Virginia Megasite at Berry Hill project, shall at all times be an Authority "facility owned by the Authority" and subject to sharing of tax revenues and other income and revenues generated by such facility, as set forth in the Agreement for Cost Sharing and Revenue Sharing between the City of Danville, Virginia, and Pittsylvania County, Virginia, dated October 2, 2001 as amended – Michael C. Guanzon, Esquire, Christian & Barton, LLP, Legal Counsel to the Authority

   C. Consideration of Resolution No. 2022-05-09-5C, approving the proposed signage to the driveways entering the Institute for Advanced Learning and Research (PIN# 78360) in the Authority's Cyber Park project located in Danville, Virginia – Mark Gignac, Director of Special Projects, IALR, and Doug Plachcinski, Director of Planning, City of Danville, Virginia [*No written resolution.*]

D. Consideration of Resolution No. 2022-05-09-5D, accepting the lump sum $1,828,100.25 bid submitted on or before January 27, 2022, from Sellers Brothers, Inc., a Virginia corporation, as the lowest responsive and responsible bidder submitted for the Cyber Park - Lot 7D Graded Pad project, as more particularly described in that certain advertisement for bids advertised on January 7, 2022, issued by the Authority, and being within available funds – Corrie T. Bobe, Director of Economic Development, City of Danville, Virginia, and Mr. Harden

E. Financial Status Reports as of April 30, 2022 – Michael L. Adkins, Authority Treasurer and Henrietta Weaver, Budget Director, City of Danville, Virginia

6. CLOSED SESSION

[During the closed session, all matters discussed shall involve receiving advice from legal counsel, and as such all communications during the closed session shall be considered attorney-client privileged.]

A. As permitted by Section 2.2-3711(A)(5) of the Code of Virginia, 1950, as amended ("Virginia Code"), for discussion concerning one or more prospective businesses where no previous announcement has been made of that business's interest in locating its facilities in one or more of the Authority's projects, located in Pittsylvania County, Virginia, and/or Danville, Virginia; and

B. As permitted by Virginia Code § 2.2-3711(A)(39) for discussion or consideration of records excluded under Virginia Code § 2.2-3705.6(3) (including without limitation (i) those certain confidential proprietary records voluntarily provided by private business pursuant to a promise of confidentiality from the Authority, and used by the Authority for business and trade development and (ii) those certain memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by the Authority, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the Authority); such information being excluded from mandatory disclosure under Virginia Code § 2.2-3705.1(12) (information relating to the negotiation and award of a specific contract pertaining to the Authority's Southern Virginia Megasite at Berry Hill project, Cyber Park project and/or Cane Creek Centre project, where competition or bargaining is involved and where the release of such information would adversely affect the bargaining power or negotiating strategy of the Authority) and Virginia Code § 2.2-3705.1(8) (appraisals and cost estimates of real property in one or more of the Authority's projects subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease); and

C. As permitted by Virginia Code § 2.2-3711(A)(3) for discussion or consideration of the acquisition and/or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Authority; and

D. As permitted by Virginia Code § 2.2-3711(A)(8) for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; and

E. As permitted by Virginia Code § 2.2-3711(A)(29) for discussion of the award of a public contract involving the expenditures of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Authority.

RETURN TO OPEN SESSION

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

G. Motion to Certify Closed Meeting.

7. COMMUNICATIONS FROM:

A. Authority Board Members

B. Staff regarding update on Cane Creek Centre project signage; and other items

C. Dewberry Engineers regarding SVM signage landscaping

D. Legal counsel regarding House Bill 184 ("Virginia Stormwater Management Programs; Regional Industrial Facility Authorities")

8. ADJOURN

Danville-Pittsylvania Regional Industrial Facility Authority

Executive Summary

Agenda Item No.:	Item 4
Meeting Date:	05/09/2022
Subject:	Meeting Minutes
From:	Susan M. DeMasi, Authority Secretary

SUMMARY

Attached for the Board's approval are the Meeting Minutes from the Meeting held on April 11, 2022.

ATTACHMENTS

Meeting Minutes – 04/11/2022

A Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority convened at 12:19 p.m. on the above date at the Institute for Advanced Learning and Research, 150 Slayton Avenue, Room 206, Danville, Virginia. Present were City of Danville Members Vice Chairman Sherman M. Saunders, J. Lee Vogler, Jr., and Alternate Dr. Gary P. Miller. Pittsylvania County Members present were Chairman William V. Ingram, and Alternate Darrell Dalton. Jessie Barksdale was absent.

City/County staff members attending were: City Manager Ken Larking, Deputy City Manager Earl Reynolds, Interim County Administrator Clarence Monday, City of Danville Director of Economic Development Corrie Bobe, Assistant Director of Economic Development Barbara Fiedor, Pittsylvania County Director of Economic Development Matt Rowe, Pittsylvania County Project Manager Kattie Saunders, City of Danville Chief Financial Officer and Authority Treasurer Michael Adkins, City of Danville Budget Director Henrietta Weaver, City of Danville Accountant Tiffany Swanson-Jones, Legal Counsel to the Authority Attorney Michael C. Guanzon, and Secretary to the Authority Susan DeMasi. Also present were Shawn Harden and Brian Bradner from Dewberry, and Danville City Council Member Madison Whittle.

Chairman Vic Ingram presided.

Authority Treasurer Michael Adkins introduced Tiffany Swanson-Jones who will be providing the accounting support for RIFA.

PUBLIC COMMENT PERIOD

No one present desired to be heard.

APPROVAL OF MINUTES OF THE MARCH 14, 2022, MEETING

Upon **Motion** by Mr. Vogler and **second** by Mr. Saunders, Minutes of the March 14, 2022, Meeting were approved as presented. Draft copies had been distributed to Authority Members prior to the Meeting.

NEW BUSINESS

5A. CONSIDERATION OF RESOLUTION NO. 2022-04-11-5A, ACCEPTING THE $2,972,000 BID FROM JIMMY R. LYNCH & SONS

Pittsylvania County Director of Economic Development Matt Rowe explained this Resolution was the formal acceptance of the bid from Jimmy R. Lynch & Sons, Inc., for the grading of Lots 1 and 2, which was a roughly 60-acre pad site at the Southern Virginia Megasite. The winning proposed bid was $2,972,000; staff had budgeted about $5.2M for the project, so this was a significant cost savings to all the partners. RIFA also received a significant grant from the Business Readiness Sites Program through VEDP, which also reduces RIFA's costs as local match. Mr. Rowe commended RIFA's partners at Dewberry, Shawn Harden and Brian Bradner; the Board made the decision to make them project administrators, they worked with Connie Gibson in the County's office who also did a great job, and followed the procurement policies. They had numerous responsive bidders and received a really good bid.

Shawn Harden from Dewberry stated they did research this company fairly extensively and found they were in good standing with the state. He did call a few references and had not heard any bad remarks about their work ethic. They received three bids; the low bid was Jimmy R. Lynch at $2.972M, the high bid was $4.989M, believed RIFA received a really good bid and looks forward to working with them.

Mr. Saunders **moved** for adoption of *Resolution No. 2022-04-11-5A, a Resolution Accepting the $2,972,000.00 Bid Submitted on or Before March 17, 2022, from Jimmy R. Lynch & Sons, Inc., a North Carolina Corporation, as the Lowest Responsive and Responsible Bidder Submitted for Southern Virginia Megasite at Berry Hill - Lot 1 and 2 Graded Pad Project, as more particularly described in that Certain Advertisement for bids Advertised on December 15, 2021, Issued by the Authority, and Being Within Available Funds.*

The Motion was **seconded** by Mr. Vogler.

Mr. Saunders questioned once they accept the bid and there was a change order that may drive the cost up, how does RIFA handle that. Authority Attorney Michael Guanzon explained if the amount was within what had been budgeted in the line item, staff will look at it and then consult with the Chairman. Depending on how large the difference would be, he would decide whether to bring it to the next meeting or go ahead and execute the change order. So long as it was within the budget RIFA had for this line item then the chairman, or vice chairman if he was not available, can make that call. Mr. Harden noted when they get a change order, they will evaluate the order; they will have a number based on what they know the expected change will be. If they come in higher than that, they will negotiate that back down into a reasonable cost to protect RIFA's money.

The **Motion** was carried by the following vote:

VOTE:	4-0
AYE:	Dalton, Ingram, Saunders, Vogler (4)
NAY:	None (0)

5B. CONSIDERATION OF RESOLUTION NO. 2022-04-11-5B, AUTHORIZING THE EXECUTION OF A PERFORMANCE AGREEMENT FOR A VBRSP SITE DEVELOPMENT GRANT

Mr. Rowe explained this was a team effort between the City and County. They knew they wanted to grade Lots 1 and 2 with the Tobacco Commission funds they had, but they wanted to continue to try and find ways to save value to the communities. They jointly applied for a Virginia Business Readiness Sites Program Grant of about $1.3M and were fortunate to be awarded a grant. As part of the review process, the State brought down a consultant which has resulted in several inquiries as well, so they have received a lot of value from this particular program. Staff received the Performance Agreement regarding the grant and were presenting it to the Board for formal approval so they can accept the funds.

Mr. Dalton ***moved*** *for adoption of Resolution No. 2022-04-11-5B, a Resolution Authorizing the Chairman of the Authority to Execute a Performance Agreement for a $1,312,400.00 VBRSP Site Development Grant from the Virginia Economic Development Partnership for the Authority's Southern Virginia Megasite at Berry Hill Lots 1 and 2 Graded Pad Project, Located in Pittsylvania County, Virginia, in Furtherance of Resolution No. 2022-04-11-5A.*

The Motion was **seconded** by Mr. Vogler and carried by the following vote:

VOTE: 4-0
AYE: Dalton, Ingram, Saunders, Vogler (4)
NAY: None (0)

5C. CONSIDERATION OF RESOLUTION NO. 2022-04-11-5C AUTHORIZING THE EXECUTION OF A REIMBURSEMENT AGREEMENT WITH TRANSCONTINENTAL GAS PIPELINE

Mr. Rowe explained this item was for the reimbursement agreement with Transcontinental Gas Pipeline. Along Oak Hill Road, there was a cathodic anode cable; it was connected to metallic material at the intersection of Oak Hill and Berry Hill Roads and it depolarizes the gas line to keep it from rusting. For the continued site readiness of the Megasite, that asset would more than likely need to be relocated, and there was a study that had to be done as part of that process. Staff has been able to negotiate with Transco the initial study fee down to $40,000, and have been able to get approval from their partners with the Southern Virginia Regional Alliance, the County and City administration through the Danville Regional Foundation grant they have, to reimburse RIFA or whatever entity was ultimately moving forward with that study. Staff will need the Board's approval.

Mr. Guanzon explained there was a grant that was given to RIFA and not all of it had been used. When this project was put together to figure out where this line was located in the SVM, the cost seemed to fit the amount of the overage, and staff asked if they could repurpose the unused portion to pay for this. Mr. Guanzon noted it might be asked why does RIFA need to sign it, why can't the grant people pay directly to the other side. The grant people have said they didn't want to do it that way because if they were going to be getting money, they need to give money to the government agency that was doing the economic development. For purposes of local government, even though RIFA was going to get reimbursed from the unused grant it still had, they have to be the one to appropriate from their funds. RIFA has to say they have the funds, they have agreed to it, and as soon as RIFA pays, they would ask for reimbursement from SVRA.

Mr. Dalton **moved** for adoption of *Resolution No. 2022-04-11-5C, a Resolution Authorizing the Negotiation, Execution and Delivery of a Reimbursement Agreement with Transcontinental Gas Pipe Line County, LLC, a Delaware Limited Liability Company, for the Provision of Close Interval Survey Evaluation and Field Inspection Services in the Authority's Southern Virginia Megasite at Berry Hill Project, Located in Pittsylvania County, Virginia, for an Estimated Fee of $40,000.00.*

The Motion was **seconded** by Mr. Vogler and carried by the following vote:

VOTE: 4-0
AYE: Dalton, Ingram, Saunders, Vogler (4)
NAY: None (0)

5D. CONSIDERATION OF RESOLUTION NO. 2022-04-11-5D, AUTHORIZING THE EXECUTION OF A BMP AGREEMENT FOR 228 SLAYTON AVENUE

Shawn Harden from Dewberry Engineers explained with almost every project in Virginia, a stormwater maintenance agreement needs to be signed at the end of the project. This document was the Stormwater BMP Maintenance Agreement that will be signed by RIFA, and ultimately the duties of that agreement will be assigned to the Institute as the lessee of the building.

Mr. Vogler **moved** for adoption of *Resolution No. 2022-04-11-5D, a Resolution Authorizing the Negotiation, Execution and Delivery of a Best Management Practices Agreement with the City of Danville, Virginia, Related to the Construction and Maintenance of On-Site Storm Water Management Facilities at 228 Slayton Avenue, Danville, Virginia (PIN# 78360) of the Authority's Cyber Park Project.*

The Motion was **seconded** by Mr. Dalton and carried by the following vote:

VOTE:	4-0
AYE:	Dalton, Ingram, Saunders, Vogler (4)
NAY:	None (0)

5E. FINANCIAL STATUS REPORTS AS OF MARCH 31, 2022

Authority Treasurer Michael Adkins gave the Financial Status report as of March 31, 2022, beginning with the Cane Creek Bonds which had no activity during the month of March. General Expenditures for Fiscal Year 2022 show RIFA expended $1,705 to Sellers Brothers related to site prep for a prospect visit at Berry Hill; $366 to the Institute for meals, $94 to the City of Danville for Utilities and $32 to Fed Ex to send closing documents related to the Aerofarms sale of land. Berry Hill Funding Other than Bonds had one expenditure to Dewberry for $38,830 for work performed under Amendment #32. Lots 1 and 2, Water and Sewer at Berry Hill, and Cyberpark Site Development showed no activity for March. Rent, Interest and Other Income show RIFA received $21,847 from the Institute related to Hawkins' Building Maintenance, $1,500 from AEP for their monthly storage lease payment, $7,150 from Pittsylvania County for rent paid to MEP, received $40,484 from Pittsylvania County representing their share of the Harlow Incentive and $1,040,420 from the City of Danville related to the Memorandum of Understanding for the Water and Wastewater infrastructure at Berry Hill. RIFA expended $125,000 to Marcus & Millichap, which represented the finders commission on the sale of Aerofarms property, paid $21,966 to the Institute for Hawkins' Building maintenance, $7,150 to the Institute for payment of MEP's rent, and paid $1,240,420 to Pittsylvania County for the pass through for the Memorandum of Understanding for Water and Wastewater infrastructure.

Mr. Saunders **moved** to accept the Financial Report as presented; the Motion was **seconded** by Mr. Vogler and carried by the following vote:

VOTE:	4-0
AYE:	Dalton, Ingram, Saunders, Vogler (4)
NAY:	None (0)

6. CLOSED SESSION

[During the closed session, all matters discussed shall involve receiving advice from legal counsel, and as such all communications during the closed session shall be considered attorney-client privileged.]

At 12:39 p.m. Mr. Saunders **moved** that the Meeting of the Danville-Pittsylvania Regional

Industrial Facility Authority be recessed in a Closed Meeting for the following purposes:

A. As permitted by Section 2.2-3711(A)(5) of the Code of Virginia, 1950, as amended ("Virginia Code"), for discussion concerning one or more prospective businesses where no previous announcement has been made of that business's interest in locating its facilities in one or more of the Authority's projects, located in Pittsylvania County, Virginia, and/or Danville, Virginia; and

B. As permitted by Virginia Code § 2.2-3711(A)(39) for discussion or consideration of records excluded under Virginia Code § 2.2-3705.6(3) (including without limitation (i) those certain confidential proprietary records voluntarily provided by private business pursuant to a promise of confidentiality from the Authority, and used by the Authority for business and trade development and (ii) those certain memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by the Authority, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the Authority); such information being excluded from mandatory disclosure under Virginia Code § 2.2-3705.1(12) (information relating to the negotiation and award of a specific contract pertaining to the Authority's Southern Virginia Megasite at Berry Hill project, Cyber Park project and/or Cane Creek Centre project, where competition or bargaining is involved and where the release of such information would adversely affect the bargaining power or negotiating strategy of the Authority) and Virginia Code § 2.2- 3705.1(8) (appraisals and cost estimates of real property in one or more of the Authority's projects subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease); and

C. As permitted by Virginia Code § 2.2-3711(A)(3) for discussion or consideration of the acquisition and/or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Authority; and

D. As permitted by Virginia Code § 2.2-3711(A)(8) for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; and

E. As permitted by Virginia Code § 2.2-3711(A)(29) for discussion of the award of a public contract involving the expenditures of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Authority.

The Motion was **seconded** by Mr. Dalton and carried by the following vote:

VOTE: 4-0
AYE: Dalton, Ingram, Saunders, Vogler (4)
NAY: None (0)

<u>RETURN TO OPEN SESSION</u>

On **Motion** by Mr. Saunders and **second** by Mr. Vogler and by unanimous vote at 12:56 p.m., the Authority returned to open meeting.

Mr. Vogler **moved** for adoption of the following Resolution:

WHEREAS, the Authority convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia, 1950, as amended, requires a Certification by the Authority that such Closed Meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted by the open meeting requirements of Virginia Law were discussed in the Closed Meeting to which this Certification Resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered by the Authority.

The Motion was **seconded** by Mr. Dalton and carried by the following vote:

VOTE:	4-0
AYE:	Dalton, Ingram, Saunders, Vogler (4)
NAY:	None (0)

7. COMMUNICATIONS

Mr. Saunders thanked this body for all they do for the good of the region, and thanked Mr. Whittle for attending today. He was pleased to see the City Manager and County Administrator working well together for the good of the region. To all staff and support staff, Mr. Saunders thanked them as well for what they do every single day. It was an honor to serve with the Chairman for the good of the region. Mr. Dalton thanked everyone for the great job they were doing, moving the region forward. Mr. Vogler noted his agreement and stated it was great team on this Board. Dr. Miller noted staff was doing a great job and believed they were on the cusp of some big wins. Mr. Ingram noted his agreement with what has been said; the RIFA team was phenomenal, and it was an honor to work with them.

Staff Reports

Mr. Guanzon noted he and RIFA staff were working on some potential by-law revisions that were clean up matters, to have the by-laws reflect the actual procedural practices, make sure everyone was on the same page and memorialize it.

Ms. Bobe noted at a previous meeting, staff and the board discussed changing out the signage for Cane Creek Centre as well as adding wayfinding throughout to help employees and trucks navigate through. It was put out for bid and staff only received one proposal; staff will be reviewing that over the next month and in May will make a recommendation on whether or not to move forward with that proposal.

Mr. Rowe and Ms. Bobe stated they appreciated the support, help and guidance of the Board; the growth that was being seen right now in the region would not have happened without the strong and steadfast leadership from the Board.

Mr. Larking noted his agreement on what has been said and appreciated the leadership of the Board and the years of work that many have put in to get RIFA to this point. He also expressed his appreciation of the staff and Economic Development directors for the countless hours they put in to try to get RIFA across the finish line to improve this community.

Mr. Monday noted these were exciting times for the Authority, it was good to see the activity on the sites, and noted his agreement on what was previously said, it was really good from a staff perspective when they have the support of the Board, that goes a long way. They not only support the staff but they have confidence in them and that helps them perform at the level they were performing at. Mr. Monday thanked the Board and the staff for their work.

Meeting Adjourned at 1:05 PM.

APPROVED:

____
Chairman

____
Secretary to the Authority

Danville-Pittsylvania Regional Industrial Facility Authority

Executive Summary

Agenda Item No.:	Item 5A
Meeting Date:	05/09/2022
Subject:	Resolution 2022-05-09-5A
From:	Matthew D. Rowe, Director of Economic Development Pittsylvania County Shawn R. Harden, Dewberry Engineers

SUMMARY

The Board will be asked to approve Resolution 2022-05-09-5A conditionally accepting the proposal of Eastern Forest Consultants.

ATTACHMENT

Resolution 2022-05-09-5A

Exhibit

Resolution No. 2022-05-09-5A

A RESOLUTION CONDITIONALLY ACCEPTING THE PROPOSAL OF EASTERN FOREST CONSULTANTS LLC, A VIRGINIA LIMITED LIABILITY COMPANY, WHICH WAS THE SOLE RESPONSE TO RFP #2022-0214 ISSUED BY THE PITTSYLVANIA COUNTY PURCHASING DEPARTMENT ON BEHALF OF THE AUTHORITY, UNDER WHICH PROPOSAL SUCH CORPORATION IS TO PROVIDE CERTAIN PROFESSIONAL FORESTER SERVICES, INCLUDING WITHOUT LIMITATION ASSESSING THE AUTHORITY'S TIMBER, CONDUCTING INVENTORY AND APPRAISAL OF STANDING TIMBER LOCATED IN THE AUTHORITY'S SOUTHERN VIRGINIA MEGASITE AT BERRY HILL PROJECT IN PITTSYLVANIA COUNTY, VIRGINIA, FOR PURPOSES OF MARKETING TIMBER FOR SALE; THE PAYMENT FOR SUCH PROFESSIONAL FORESTER SERVICES WOULD BE EQUAL TO 8% OF THE PURCHASE PRICE CONTRACTED AND RECEIVED FOR ANY SUCH TIMBER SALE - MATTHEW D. ROWE, DIRECTOR OF ECONOMIC DEVELOPMENT, PITTSYLVANIA COUNTY AND SHAWN R. HARDEN, P.E., SENIOR ASSOCIATE, DEWBERRY ENGINEERS INC.

WHEREAS, the Danville-Pittsylvania Regional Industrial Facility Authority (the "**Authority**") is a political subdivision of the Commonwealth of Virginia duly created pursuant to the Virginia Regional Industrial Facilities Act, as amended; and

WHEREAS, as part of the development of the Authority's Southern Virginia Megasite at Berry Hill project located in Pittsylvania County, Virginia, the Authority, through the County of Pittsylvania, Virginia, as its agent, issued that certain Invitation to Bid Professional Forester Services RFP: 2022-0214, dated February 14, 2022, without waiving the provisions under Virginia Code § 2.2-4344.B, for its Southern Virginia Megasite at Berry Hill project (the "**Invitation to Bid**"), as described therein; and

WHEREAS, as more particularly described in the Invitation to Bid, the professional forester services solicited include without limitation timber appraisals, harvest planning, and timber sale coordination and oversight, and other services, in preparation to market the Authority's timber for harvest and sale (collectively, the "**Timber Services**"); and

WHEREAS, the Authority, through its support staff, having publicly opened and read aloud in the conference room, at the Pittsylvania County Administrator's Office directly after 2:00 p.m. on March 15, 2022, all timely submitted sealed bids, and there was only one such bid received from Eastern Forest Consultants LLC, a Virginia limited liability company ("**Eastern Forest**"); and

WHEREAS, the Authority, with the assistance of and comments from its support staff, evaluated the sole bid based upon the requirements set forth in the Invitation to Bid, which may include experience and qualifications of the personnel, project approach, work plan, timeline and project management and cost proposal; and

WHEREAS, after such evaluation, the Authority determined that the bid proposal submitted by Eastern Forest was the only bidder and the lowest responsive and responsible bidder, as such terms are defined in Virginia Code § 2.2-4301; and a copy of the proposal from Eastern

Forest is attached hereto and incorporated herein by this reference as **Exhibit A** (the "**Eastern Forest Proposal**"); and

WHEREAS, under the Eastern Forest Proposal, compensation for the Timber Services rendered by Eastern Forest would be equal to eight percent (8%) of the total sale price of timber sales if any, or should the services of Eastern Forest be canceled by the Authority in advance of such sales, at an hourly rate of Seventy-Five Dollars ($75.00) (which is estimated to be sixty (60) hours of work or Four Thousand Five Hundred Dollars ($4,500.00), subject in any event to appropriations at the time of such cancellation.

NOW, THEREFORE, BE IT RESOLVED BY THE DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY, THAT:

1. The Authority hereby accepts the Eastern Forest Proposal, subject however to approval by legal counsel to the Authority as to legal form and sufficiency, and authorizes the Chairman and the Vice Chairman of the Authority to execute and deliver a notice of award, accepting the Eastern Forest Proposal, on behalf of the Authority, and each of the Authority's Chairman and Vice Chairman, in consultation with the other, is authorized to further modify the Eastern Forest Proposal on such terms and conditions as the Chairman or Vice Chairman, in consultation with the other, determines to be reasonable, appropriate and consistent with this Resolution.

2. The Authority hereby authorizes and directs staff and other agents and representatives working on behalf of the Authority to take such actions and to do all such things as are contemplated by the Eastern Forest Proposal, or as they in their discretion deem necessary or appropriate in order to carry out the intent and purposes of this Resolution.

3. The Authority hereby approves, ratifies and confirms any and all actions previously taken by the Authority, its agents and representatives, in respect to the Eastern Forest Proposal and the matters contemplated therein.

4. This Resolution shall take effect immediately upon its adoption.

-#-

CERTIFICATE

I, the undersigned Secretary of the Danville-Pittsylvania Regional Industrial Facility Authority, hereby certify that the foregoing is a true, correct and complete copy of a Resolution duly adopted by a majority of the directors of the Danville-Pittsylvania Regional Industrial Facility Authority at a regular meeting duly called and held on May 9, 2022, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof.

WITNESS my hand as Secretary of the Danville-Pittsylvania Regional Industrial Facility Authority this 9th day of May 2022.

____

SUSAN M. DeMASI, Secretary
Danville-Pittsylvania Regional Industrial Facility Authority

(SEAL)

EXHIBIT A

(Copy of the Eastern Forest Proposal)

Letter of Agreement
Timber Sale Administration

I. This letter serves as an agreement between Eastern Forest Consultants LLC (owner's agent) and the Danville-Pittsylvania Regional Industrial Facility Authority or "D-P RIFA" (owner).

II. As the owner's agent for the proposed timber sale located at the Southern Virginia Megasite located near 6100 Berry Hill Road, Danville, VA 24541, Eastern Forest Consultants LLC agrees to:

a. Perform tasks associated with preparing area for sale/harvest (i.e. inventory, establish boundaries, etc) as discussed with landowner/seller during the initial site visit.

b. Only represent the interests of the owner during the marketing and sale of the proposed timber harvest.

c. Oversee project to ensure logger compliance with the timber sale agreement signed between the owner and purchaser.

d. Administer the timber harvest in compliance with all local, state, and federal guidelines for best management practices.

e. Handle all performance bonds associated with the timber sale and reconcile mill statements/load tickets with payments to owner, when appropriate.

III. The owner, D-P RIFA, warrants they the true legal owner of the real property described in Article II and that owner also owns the timber located thereon, and that owner has the right to harvest the timber located upon said real property. Owner further warrants that owner will indemnify and defend owner's agent from any and all losses, damages, costs, attorney's fees, fines, and penalties arising from any lawsuits, actions, or administrative procedures and threats of lawsuits, actions or administrative procedures brought against owner's agent as a result of owner not being the true owner of said real property or not having the right to harvest the timber upon said property. D-P RIFA understands that Eastern Forest Consultants LLC, while trained in identifying and determining the location of property boundary lines, is not a licensed surveyor. The owner is responsible for confirming that the timber sale is solely located on their own property and takes full responsibility for dealing with any property boundary line disputes.

IV. Estimates of volumes and values made by the owner's agent in the course of performance under the terms of this Agreement are the result of statistical samplings made in accordance with industry standards and with a variety of confidence levels depending upon what is agreed to between owner and owner's agent. Due to fluctuating market conditions as well as stumpage variances and accuracy levels inherent in sampling techniques, the volumes or values reported by the owner's agent are estimates only, based upon the owner's agent's sampling, and are expressly declared by owner's agent to not be precise statements of expected outcomes. Therefore, owner expressly agrees and understands that volumes or values reported by owner's agent may or may not be the volumes or values obtained by owner.

V. The owner, D-P RIFA, agrees that the owner's agent will be compensated for efforts related to preparing, marketing, and administering clearcut timber sales for a commission rate of 8% of the total sale price. The owner understands that Eastern Forest Consultants will submit invoices for the 8% commission as often as every two (2) weeks during periods of active logging.

VI. The owner reserves the right to cancel the sale(s) or dismiss the owner's agent at any time prior to timber being harvested. In this instance, the owner's agent will invoice the owner at an hourly rate of $75/hour for all efforts taken <u>to prepare and market the timber sale(s)</u>. However, owner is responsible for paying owner's agent the full 8% commission for any timber cut by loggers/buyers contracted by owner or owner's representatives because of the efforts of owner's agent under this Agreement.

VII. D-P RIFA understands that:

a. Eastern Forest Consultants will be serving in the capacity of "owner's agent".

b. Employees and subcontractors of Eastern Forest Consultants LLC have the right to access the property until the final logging inspection is complete.

c. Signing this letter signifies that D-P RIFA is in agreement with the terms provided in this agreement and Eastern Forest Consultants LLC has permission to begin the project.

d. Eastern Forest Consultants LLC staff and/or subcontractors intend to represent D-P RIFA interests at all times, but are not responsible/liable for undesirable or negative effects resulting from logging operations on the property.

VIII. Pittsylvania County's Terms and Condition and Special Conditions, as described in RFP 2022-0214 Invitation to Bid; Professional Forester Services, are incorporated into this contract. These shall supersede any other conditions unless agreed upon in advance by both parties.

IX. Landowner and Agent Protection

<u>Indemnity:</u>
Eastern Forest Consultants LLC and D-P RIFA agree to indemnify and hold each other harmless from any losses, costs, claims, expenses, suits, damages, or liabilities of any nature arising from the owner's agent's performance of work on this contract resulting in

injury or death to persons or damage to property. Eastern Forest Consultants also agrees to maintain valid General Liability coverage of $1,000,000 per occurrence, including pesticide and herbicide applicator coverage.

X. Signatures

________________	________________________________
Date	Joseph M. Secoges President/Owner Eastern Forest Consultants LLC
________________	________________________________
Date	Name: Position: Danville-Pittsylvania RIFA

Danville-Pittsylvania Regional Industrial Facility Authority

Executive Summary

Agenda Item No.:	Item 5B
Meeting Date:	05/09/2022
Subject:	Resolution 2022-05-09-5B
From:	Michael C. Guanzon, Esq., Legal Counsel to the Authority

SUMMARY

The Board will be asked to approve Resolution 2022-05-09-5B, confirming the Authority's real property located in Pittsylvania County shall at all times be an Authority "facility owned by the Authority."

ATTACHMENT

Resolution 2022-05-09-5B

A RESOLUTION CONFIRMING THAT THE AUTHORITY'S REAL PROPERTY LOCATED IN PITTSYLVANIA COUNTY, CONTAINING AN AGGREGATE OF APPROXIMATELY 160 ACRES, INITIALLY ACQUIRED FOR THE PURPOSE OF CONSTRUCTING AND SUPPORTING A CONNECTOR ROAD TO SERVE THE AUTHORITY'S SOUTHERN VIRGINIA MEGASITE AT BERRY HILL PROJECT, SHALL AT ALL TIMES BE AN AUTHORITY "FACILITY OWNED BY THE AUTHORITY" AND SUBJECT TO SHARING OF TAX REVENUES AND OTHER INCOME AND REVENUES GENERATED BY SUCH FACILITY, AS SET FORTH IN THE AGREEMENT FOR COST SHARING AND REVENUE SHARING BETWEEN THE CITY OF DANVILLE, VIRGINIA, AND PITTSYLVANIA COUNTY, VIRGINIA, DATED OCTOBER 2, 2001 AS AMENDED

WHEREAS, the Danville-Pittsylvania Regional Industrial Facility Authority (the **"Authority"**) is a political subdivision of the Commonwealth of Virginia duly created pursuant to the Virginia Regional Industrial Facilities Act as amended (the "**RIFA Act**"); and

WHEREAS, as part of the Authority's formation in accordance with the RIFA Act, the City of Danville, Virginia, a municipal corporation (the "**City**"), and the Pittsylvania County, Virginia (the "**County**"), a political subdivision of the Commonwealth of Virginia, entered into that certain Agreement for Cost Sharing and Revenue Sharing dated October 2, 2001, as amended (the "**Cost and Revenue Sharing Agreement**"); and

WHEREAS, under the Cost and Revenue Sharing Agreement, "income and revenues generated by any facility owned by the Authority" is defined as "any and all identifiable tax revenues generated from property owned currently or at some time by the Authority, which may have been sold, leased, conveyed or transferred to any third party"; and such income and revenues generated by any facility owned by the Authority shall be shared equally by the City and the County; and

WHEREAS, the Authority initially acquired for the purpose of constructing and supporting a connector road to serve the Authority's Southern Virginia Megasite at Berry Hill project (the "**SVM**"), located in Pittsylvania County, Virginia (the "**RIFA Connector Road**"), an aggregate of approximately 160 acres of land in close proximity to the SVM (the "**Connector Road Properties**"); and

WHEREAS, the Connector Road Properties are currently owned by the Authority, but are intended to be transferred to the Virginia Department of Transportation for the RIFA Connector Road; and there is the possibility that some portions of the Connector Road Properties which are not used for the RIFA Connector Road would be retained by the Authority for ultimate disposition to a third party; and

WHEREAS, the Authority desires and finds it reasonable and appropriate to confirm and to declare that the Connector Road Properties are subject to the Cost and Revenue Sharing Agreement and shall constitute "a facility owned by the Authority", and as a result, that the income and revenues generated by the Connector Road Properties shall be shared equally by the City and the County in the manner set forth in the Cost and Revenue Sharing Agreement, irrespective of whether the Connector Road Properties, or any part thereof, is ever "sold, leased, conveyed or transferred to any third party".

NOW, THEREFORE, BE IT RESOLVED, that

1. The Authority hereby confirms and declares that the Connector Road Properties are subject to the Cost and Revenue Sharing Agreement and shall constitute "a facility owned by the Authority" as defined therein, and that the income and revenues generated by the Connector Road Properties shall be shared equally by the City and the County in the manner set forth in the Cost and Revenue Sharing Agreement.

2. This Resolution shall take effect immediately upon its adoption.

- # -

<u>CERTIFICATE</u>

I, the undersigned Secretary of the Danville-Pittsylvania Regional Industrial Facility Authority, hereby certify that the foregoing is a true, correct and complete copy of a Resolution duly adopted by a majority of the directors of the Danville-Pittsylvania Regional Industrial Facility Authority at a regular meeting duly called and held on May 9, 2022, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof.

WITNESS my hand as Secretary of the Danville-Pittsylvania Regional Industrial Facility Authority this 9th day of May 2022.

____

SUSAN M. DeMASI, Secretary
Danville-Pittsylvania Regional Industrial Facility Authority

(SEAL)

Danville-Pittsylvania Regional Industrial Facility Authority

Executive Summary

Agenda Item No.:	Item 5C
Meeting Date:	05/09/2022
Subject:	Resolution 2022-05-09-5C
From:	Mark Gignac, Director of Special Projects, IALR, and Doug Plachcinski, City of Danville, Director of Planning

SUMMARY

The Board will be asked to approve Resolution 2022-05-09-5C, approving proposed signage to the driveways entering the Institute.

ATTACHMENT

No Written Resolution

Danville-Pittsylvania Regional Industrial Facility Authority

Executive Summary

Agenda Item No.:	Item 5D
Meeting Date:	05/09/2022
Subject:	Resolution 2022-05-09-5D
From:	Corrie T. Bobe, Director of Economic Development, City of Danville Virginia, and Mr. Harden

SUMMARY

The Board will be asked to approve Resolution 2022-05-09-5D, accepting the lump sum of $1,828,100.25 bid from Sellers Brothers, Inc. for the Cyber Park Lot 7D.

ATTACHMENT

Resolution

Exhibit A

A RESOLUTION ACCEPTING THE LUMP SUM $1,828,100.25 BID SUBMITTED ON OR BEFORE JANUARY 27, 2022, FROM SELLERS BROTHERS, INC., A VIRGINIA CORPORATION, AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER SUBMITTED FOR THE CYBER PARK - LOT 7D GRADED PAD PROJECT, AS MORE PARTICULARLY DESCRIBED IN THAT CERTAIN ADVERTISEMENT FOR BIDS ADVERTISED ON JANUARY 7, 2022, ISSUED BY THE AUTHORITY, AND BEING WITHIN AVAILABLE FUNDS

WHEREAS, the Danville-Pittsylvania Regional Industrial Facility Authority (the "**Authority**") is a political subdivision of the Commonwealth of Virginia duly created pursuant to the Virginia Regional Industrial Facilities Act, as amended; and

WHEREAS, as part of the development of the Authority's Cyber Park project located in Danville, Virginia, the Authority issued that certain (Revised) Advertisement for Bids, advertised on January 7, 2022, without waiving the provisions under Virginia Code § 2.2-4344.B, for its Cyber Park – Lot 7 Graded Pad project (the "**Advertisement for Bids**"), as described therein; and

WHEREAS, the Authority, through its support staff, having publicly opened and read aloud in the conference room of the Authority at 427 Patton Street, Danville, Virginia, after 2:00 p.m. on January 27, 2022, all timely submitted sealed bids; and

WHEREAS, the Authority, with the assistance of and comments from its support staff, evaluated the bids based upon the requirements set forth in the Advertisement for Bids, which may include special qualifications of potential contractors, life-cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, which are helpful in determining acceptability; and

WHEREAS, after such evaluation, the Authority determined that the bid in the amount of **ONE MILLION EIGHT HUNDRED TWENTY EIGHT THOUSAND ONE HUNDRED AND 25/100 DOLLARS** ($1,828,100.25) submitted by Sellers Brothers, Inc., a Virginia corporation (the "**Sellers Brothers Bid**"), was the lowest responsive and responsible bidder, as such terms are defined in Virginia Code § 2.2-4301; and a copy of the Sellers Brothers Bid is attached hereto and incorporated herein by this reference as **Exhibit A**; and

WHEREAS, the fiscal agent of the Authority has determined that the available funds are within "**Cyber Park Site Development**", a funding sheet under the budget previously approved by the Authority for this project for this purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY, THAT:

1. The Authority hereby accepts the Sellers Brothers Bid and authorizes the Chairman and the Vice Chairman of the Authority, and subject to confirmation from the Authority's Treasurer as to the available funds, to execute and deliver a notice of award, accepting the Sellers Brothers Bid, on behalf of the Authority, and each of the Authority's Chairman and Vice Chairman, in consultation with the other, is authorized to further modify the Sellers Brothers Bid

on such terms and conditions as the Chairman or Vice Chairman, in consultation with the other, determines to be reasonable, appropriate and consistent with this Resolution.

2. The Authority hereby authorizes and directs staff and other agents and representatives working on behalf of the Authority to take such actions and to do all such things as are contemplated by the Sellers Brothers Bid, or as they in their discretion deem necessary or appropriate in order to carry out the intent and purposes of this Resolution.

3. The Authority hereby approves, ratifies and confirms any and all actions previously taken by the Authority, its agents and representatives, in respect to the Sellers Brothers Bid and the matters contemplated therein.

4. This Resolution shall take effect immediately upon its adoption.

-#-

CERTIFICATE

I, the undersigned Secretary of the Danville-Pittsylvania Regional Industrial Facility Authority, hereby certify that the foregoing is a true, correct and complete copy of a Resolution duly adopted by a majority of the directors of the Danville-Pittsylvania Regional Industrial Facility Authority at a regular meeting duly called and held on May 9, 2022, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof.

WITNESS my hand as Secretary of the Danville-Pittsylvania Regional Industrial Facility Authority this 9th day of May 2022.

____

SUSAN M. DeMASI, Secretary
Danville-Pittsylvania Regional Industrial Facility Authority

(SEAL)

EXHIBIT A

(Copy of the Sellers Brothers Bid)

BID PROPOSAL

Proposal of Sellers Brothers, Inc. (hereinafter called "BIDDER"), organized and existing under the laws of the State of Virginia doing business as a Corporation * to Danville-Pittsylvania Regional Industrial Facilities Authority (hereinafter called "OWNER").

In compliance with your Advertisement for Bids, BIDDER hereby proposes to perform all WORK for the construction of the **Cyber Park – Lot 7D Graded Pad** in strict accordance with the CONTRACT DOCUMENTS, within the time set forth therein, and at the prices stated below.

By submission of this BID, each BIDDER certifies, and in the case of a joint BID each party thereto certifies as to its own organization, that this BID has been arrived at independently, without consultation, communication or agreement as to any matter relating to this BID with any other BIDDER or with any competitor.

BIDDER hereby agrees to commence WORK under this contract on or before a date to be specified in the NOTICE TO PROCEED and to fully complete the **PROJECT within 250 consecutive calendar days thereafter. Furthermore, BIDDER agrees to substantially complete all work within 220 consecutive calendar days after the date specified in the NOTICE TO PROCEED.** BIDDER further agrees to pay as liquidated damages, the sum of $250 for each consecutive calendar day thereafter as provided in Article 12 of the General Conditions and Paragraph SC4 of the Supplementary Conditions.

Bidder Acknowledges the receipt of the following addenda

No. 1 Dated: 01-11-2022

No. 2 Dated: 01-24-2022

No. ______ Dated: ______

DANVILLE, VIRGINIA
BID PROPOSAL: Cyber Park – Lot 7D Graded Pad

Part A

Contractor shall perform all work associated with the construction of Graded Pad as shown on the plans and called for in the specifications (excluding undercut) for the Lump Sum Bid Price:

$ 1,828,100.25

Part B

Included in part B is a lump sum for unsuitable material (removal & replacement) based on an estimated quantity. The contractor shall provide the unit price and extended total that is included in Part B as follows:

Estimated Quantity – 2,000 CY @ $ 5.00 per CY = $ 10,000.00

Part C

Included in part C is a lump sum for rock (removal & replacement with suitable backfill) based on an estimated quantity. The contractor shall provide the unit price and extended total that is included in Part C as follows:

Estimated Quantity – 2,000 CY @ $ 20.00 per CY = $ 40,000.00

Part D

Included in part D is a lump sum for two (2) additional rounds of seeding and fertilizer based on an estimated quantity. The contractor shall provide the unit price and extended total that is included in Part D as follows:

Estimated Quantity – 2 EA @ $ 10,000.00 per EA = $ 20,000.00

The Total Bid Price (Part A + Part B + Part C + Part D) is (in words):
One million, eight hundred ninety eight thousand, one hundred dollars and

twenty-five cents ($ 1,898,100.25).

The above lump sum and unit prices shall include labor, materials, bailing, shoring, removal, overhead, profit, insurance, etc., to cover the finished work of the several kinds called for. Bidder understands that the owner reserves the right to reject any or all bids and to waive any informality in the bidding.

The Bidder agrees that this bid shall be good any may not be withdrawn for a period of 60 calendar days after the scheduled closing time for receiving bids.

Unless canceled or rejected the responsive BID from the lowest responsible BIDDER shall be accepted as submitted.

Respectfully submitted:

Date: January 27, 2022

Bidder: Sellers Brothers, Inc.

By: H C Sellers Jr
H. C. Sellers, JR

Title: President

Address: 2145 South Boston Road
Danville, VA 24540

(SEAL - if bid is by corporation)

Telephone Number: 434) 822-8263

Attest: Mary M. Sellers
Mary M. Sellers, Sec/Treasurer

Virginia Contractors'
License No 2701010644

* Insert "a corporation," "a partnership," or "an individual" as applicable.

BIDDER agrees to perform all work described in the CONTRACT DOCUMENTS for the above lump sum and unit prices.

Danville-Pittsylvania Regional Industrial Facility Authority

Executive Summary

Agenda Item No.:	Item 5E
Meeting Date:	May 9, 2022
Subject:	Financial Status Reports – April 30, 2022
From:	Michael L. Adkins, Authority Treasurer

SUMMARY

A review of the financial status reports through April 30, 2022 will be provided at the meeting. The financial status reports as of April 30, 2022 are attached for the DPRIFA Board's review.

RECOMMENDATION

Staff recommends approving the financial status reports as of April 30, 2022 as presented.

ATTACHMENTS

Financial Status Reports

Danville - Pittsylvania Regional Industrial Facility Authority

Financial Status

Table of Contents

Danville-Pittsylvania Regional Industrial Facility Authority

$7,300,000 Bonds for Cane Creek Centre - Issued in August 2005 [7]

As of April 30, 2022

	Funding	Budget / Contract Amount	Expenditures	Encumbered	Unexpended / Unencumbered
Funding					
Funds from bond issuance	$7,300,000.00				
Issuance cost	(155,401.33)				
Refunding cost [7]	(52,500.00)				
Bank fees	(98.25)				
Interest earned to date	486,581.70				
Cane Creek Parkway [3]		$3,804,576.00	$3,724,241.16	$ -	
Swedwood Drive [2]		69,414.00	69,414.00	-	
Cane Creek Centre entrance [3]		72,335.00	53,878.70	-	
Financial Advisory Services		9,900.00	9,900.00	-	
Dewberry contracts [1]		69,582.50	69,582.50	-	
Dewberry contracts not paid by 1.7 grant [4, 5]		76,986.46	65,559.12	11,427.34	
Land		-	2,792,945.57	-	
Demolition services		71,261.62	71,261.62	-	
Legal fees		-	247,837.83	-	
CCC - Lots 3 & 9 project - RIFA Local Share [6]		142,190.00	112,464.98	-	
Other expenditures		2,250.00	347,194.30	2,250.00	
Total	$ 7,578,582.12	$ 4,318,495.58	$ 7,564,279.78	$ 13,677.34	**$ 625.00**

Notes:

[1] Dewberry Contracts consist of wetland, engineering, surveying and site preparation

[2] Funds being used to cover City and County matching contributions for a VDOT grant for Swedwood Drive

[3] Project completed under budget

[*] In September 2008 the outstanding principal balance of $6,965,000 on the Series 2005 Cane Creek Project Revenue Bonds was tendered and not remarketed. These bonds were converted to bank bonds and are now subject to the Credit and Reimbursement agreement the Authority has with Wachovia Bank. The remarketing agent will continue its attempt to remarket these bonds in order to convert them back to Variable Rate Revenue Bonds. As a result, it is likely that the City and County will have to contribute additional funds in order to make future interest payments on the letter of credit attached to these bonds.

[4] These contracts were originally to be paid by the $1.7M Special Projects Grant, this grant has expired and the TIC did not issue an extension. The remaining amounts of the contract will be paid using bond funds.

[5] The budget amount decreased $71,279.61 from the 9/30/2010 reports. This amount represented the remaining budget amount carried from the $1.7 SP grant upon its expiration for the following contracts: Wetland Delineation, Wetland Bank Plan Rev., Stream Concept Plan, & Stream Attribute Plan. Per Shawn Harden of Dewberry, these contracts are complete and finished under budget. The only contract that remains open is for Wetland Monitoring and the budget, expended, and encumbered amounts included here are only for this contract.

[6] This line item represents the amount of expenditures on the "CCC - Lots 3 & 9" budget sheet that is covered by bond funds. RIFA's local share of 5% of these project costs is being covered by these bond funds. Project finished under original budget.

[7] The $7.3 million bonds were refunded on 8/1/2013 with the issuance of refunding bonds in the amount of $5,595,000.

Road Summary-Cane Creek Parkway:	
English Contract-Construction	$ 5,363,927.00
Change Orders	165,484.50
Expenditures over contract amount	3,579.50
(Less) County's Portion of Contract	(935,207.00)
(Less) Mobilization Allocated to County	(9,718.00)
Portion of English Contract Allocated to RIFA	4,588,066.00
Dewberry Contract-Engineering	683,850.00
Total Road Contract Allocated to RIFA	**$ 5,271,916.00**

Funding Summary - Cane Creek Parkway	
VDOT	$ 1,467,340.00
Bonds	3,804,576.00
	$ 5,271,916.00

Danville-Pittsylvania Regional Industrial Facility Authority

General Expenditures for Fiscal Year 2022

As of April 30, 2022

	Funding	Budget	Expenditures	Encumbered	Unexpended / Unencumbered
Funding					
City Contribution	$ 75,000.00				
County Contribution	75,000.00				
Carryforward from FY2021	24,625.84				
Reimbursement of expenses	24,700.00				
Contingency					
Miscellaneous contingency items		$ 53,725.84	$ 27,417.29	$ -	$ 26,308.55
Total Contingency Budget		53,725.84	27,417.29	-	26,308.55
Legal		115,000.00	85,387.54	-	29,612.46
Accounting		23,100.00	23,100.00	-	-
Postage & Shipping		100.00		-	100.00
Meals		4,000.00	3,438.79	-	561.21
Utilities		400.00	701.81	-	(301.81)
Insurance		3,000.00	2,623.00	-	377.00
Total	$ 199,325.84	$ 199,325.84	$ 142,668.43	$ -	**$ 56,657.41**

Danville-Pittsylvania Regional Industrial Facility Authority
Southern Virginia Megasite at Berry Hill - Funding Other than Bond Funds
As of April 30, 2022

Funding	Funding	Budget / Contract Amount	Expenditures	Encumbered	Unexpended / Unencumbered
City contribution	$ 134,482.50				
County contribution	134,482.50				
City advance for Klutz, Canter, & Shoffner property [1,4]	10,340,983.83				
Tobacco Commission FY09 SSED Allocation	3,370,726.00				
Tobacco Commission FY10 SSED Allocation - Engineering Portion	407,725.00				
Tobacco Comm. FY10 SSED Allocation - Eng. Portion Deobligated	(244,797.00)				
Local Match for TIC FY10 SSED Allocation - Engineering Portion [5]	76,067.61				
Additional funds allocated by RIFA Board on 1/14/2013 [6]	11,854.39				
TIC #2264 - Phase II Land and Engineering	3,700,000.00				
VA Economic Development Partnership MEI Grant Funds	577,503.14				
Virginia Resources Authority - TRRF Loan #3658	4,500,000.00				
Transfer from Unrestricted Funds - "Other Income"	282,140.86				
Land					
Klutz property		$ 8,394,553.50	$ 8,394,553.50	$ -	
Canter property [2]		1,200,000.00	1,200,000.00	-	
Adams property		37,308.00	37,308.00	-	
Carter property		5,843.00	5,843.00	-	
Jane Hairston property		1,384,961.08	1,384,961.08	-	
Bill Hairston property		201,148.00	201,148.00	-	
Shoffner Property		1,872,896.25	1,872,896.25	-	
401 Buford Road		246,082.96	246,082.96	-	
Off State Road 1055		181,890.19	181,890.19	-	
604 Buford Road		361,896.60	361,896.60	-	
Other					
Dewberry & Davis		28,965.00	28,965.00	-	
Dewberry & Davis [3]		990,850.00	987,879.29	2,970.71	
Consulting Services - McCallum Sweeney [7]		115,000.00	103,796.85	-	
Dewberry Engineers (related to #2264)		160,500.00	160,500.00	-	
Dewberry Engineers		660,580.00	471,130.00	189,450.00	
Appalachian Power Company		5,178,500.00	5,178,500.00	-	
Banister Bend Farm, LLC		199,064.00	199,064.00	-	
Virginia Department of Transportation (VDOT)		279,399.00	279,399.00	-	
Transfer available funds to "Berry Hill Mega Park - Lot 4 Site Development" Project [8]		-	11,203.15	-	
Total	$ 23,291,168.83	$ 21,499,437.58	$ 21,307,016.87	$ 192,420.71	**$ 1,791,731.25**

[1] *This figure does not include the interest the City lost from the uninvested funds, which was paid to the City 1/3/2012 and totaled $144,150.41.*

[2] *Settlement fees were drawn from bonds issued for the Berry Hill project 12/1/2011.*

[3] *This contract was originally for $814,500, but has been amended to include a traffic impact analysis, and a cemetery survey. $740,000 was covered by the FY09 Tobacco Allocation. $162,928 was covered by the FY10 Tobacco Allocation. $87,922 will be covered with RIFA Funds.*

[4] *RIFA paid the City back for all advances on 1/3/2012.*

[5] *The RIFA Board approved to utilize the remaining funds from the Mega Park bond funds and approximately $65,000 of the 'Funds Available for Appropriation' towards the local match for the engineering portion of Tobacco Commission grant #1916 for the Berry Hill Mega Park.*

[6] *Due to the expiration of the Tobacco Comission FY10 SSED Allocation, the RIFA Board approved on 1/14/2013 to utilize $11,854.39 of the 'Funds Available for Appropriation' to cover the funding shortfall for the budgeted Dewberry & Davis contract.*

[7] *Unencumbered the remaining $11,203.15 due to termination of contract.*

[8] *As approved by RIFA Board on 10/16/2014*

Danville-Pittsylvania Regional Industrial Facility Authority

Southern Virginia Megasite at Berry Hill - Lots 1&2 Site Development

As of April 30, 2022

	Funding	Budget / Contract Amount	Expenditures	Encumbered	Unexpended / Unencumbered
Funding					
TIC #3358 Site Improvements					
Tobacco Commission Grant	$ 2,624,800.00				
Expenditures					
Dewberry Engineers Inc.		379,300.00	247,800.00	131,500.00	
Virginia Nutrient Bank		84,420.00	84,420.00	-	
Total	$ 2,624,800.00	$ 463,720.00	$ 332,220.00	$ 131,500.00	**$ 2,161,080.00**

Danville-Pittsylvania Regional Industrial Facility Authority

Southern Virginia Megasite at Berry Hill - Water & Sewer

As of April 30, 2022

	Funding	Budget / Contract Amount	Expenditures	Encumbered	Unexpended / Unencumbered
Funding					
TIC #2641 Phase I Sanitary Sewer					
Tobacco Commission Grant 2641	$ 4,840,977.86				
Local Match for Contractual Services	274,926.43				
Local Match for Property & Imp.	262,960.00				
TIC #3011 Water System Improvements Phase II					
Tobacco Commission Grant 3011	2,241,567.00				
Local Match for Property & Imp.	224,160.00				
City of Danville Utilities	3,824,637.35				
Expenditures					
Dewberry Engineers Inc.		1,020,049.99	888,109.99	131,940.00	
Haymes Brothers, Inc. - Phase I Sanitary Sewer		5,092,668.30	5,092,668.30	-	
Haymes Brothers, Inc. - Phase I Sanitary Sewer (City)		3,210,312.35	3,210,312.35	-	
C.W. Cauley & Son - Phase 1 Water		1,843,540.00	1,029,345.00	814,195.00	
Norfolk Southern Railway Company		22,300.00	22,300.00	-	
Pittsylvania County Service Authority		1,475.00	1,475.00	-	
Treasurer of Virginia		7,900.00	7,900.00	-	
AECOM		5,000.00	5,000.00	-	
BH Media Group, Inc.		296.00	296.00	-	
Danville Register & Bee		600.00	600.00	-	
Total	$ 11,669,228.64	$ 11,204,141.64	$ 10,258,006.64	$ 946,135.00	**$ 465,087.00**

Danville-Pittsylvania Regional Industrial Facility Authority

Cyber Park Site Development

As of April 30, 2022

	Funding	Budget / Contract Amount	Expenditures	Encumbered	Unexpended / Unencumbered
Funding					
MEP TROF Loan	$ 270,000.00				
Transfer from Other Income	42,750.00				
Expenditures					
Dewberry Engineers Inc.		42,750.00	32,750.00	10,000.00	
Making Everything Possible LLC (Incentives)		270,000.00	270,000.00	-	
Total	$ 312,750.00	$ 312,750.00	$ 302,750.00	$ 10,000.00	**$ -**

Danville-Pittsylvania Regional Industrial Facility Authority

Rent, Interest, and Other Income Realized for Fiscal Year 2022

As of April 30, 2022

	Funding				
Source of Funds	**Carryforward from FY2021**	**Receipts Current Month**	**Receipts FY2022**	**Expenditures FY2022**	**Unexpended / Unencumbered**
Carryforward	$ 1,248,519.93				
Current Lessees					
Institute for Advanced Learning and Research (IALR) [1]			$ 197,573.14		
Axxor N.A. LLC			1,000.00		
Mountain View Farms of Virginia, L.C.			1,200.00		
American Electric Power		1,500.00	9,000.00		
Total Rent		$ 1,500.00	$ 208,773.14		
Interest Received [2]		$ 19.39	$ 187.78		
Miscellaneous Income		$ 4,092.33	$ 1,639,828.63		
Expenditures					
Hawkins Research Bldg. Property Mgmt. Fee				$ 197,573.14	
Incentive Disbursements to Morgan Olson, LLC				$ 117,000.00	
City Payment to County for Water and Sewer at SVM Berry Hill				$ 1,240,419.63	
Transfer to Cyber Park Development				$ 42,750.00	
Incentive Disbursements to MEP LLC				$ 59,273.03	
Incentive Disbursements to Harlow Fastech LLC				$ 80,968.76	
Transfers to other funding sheets				$ 282,140.86	
Payment to Marcus and Millichap				$ 125,000.00	
Totals	$ 1,248,519.93	$ 5,611.72	$ 1,848,789.55	$ 2,145,125.42	$ 952,184.06

Restricted [1]	$ 312,826.70
Unrestricted	$ 67,248.22
Committed	$ 572,109.14

[1] *Please note that rent proceeds must be used in accordance with the U.S. Economic Development Administration's (EDA) Standard Terms and Conditions*

[2] *Please note that this is only interest received on RIFA's general money market account.*

Danville-Pittsylvania Regional Industrial Facility Authority
Monthly Disbursements
April 2022

Check Number	Date	Vendor Name	Paid Amount
WIRE	04/04/2022	City of Danville	40.21
WIRE	04/04/2022	City of Danville	64.88
2472	04/08/2022	IALR	21,846.50
2473	04/08/2022	IALR	411.54
2474	04/08/2022	IALR	7,149.67
2476	04/08/2022	Dewberry Engineers Inc.	2,500.00
2478	04/08/2022	Dewberry Engineers Inc.	38,315.00
2479	04/11/2022	Christian & Barton, LLP	16,194.90
WIRE	04/20/2022	City of Danville	36.00
WIRE	04/22/2022	Virginia Nutrient Bank	84,420.00

Danville-Pittsylvania Regional Industrial Facility Authority
Statement of Net Position [1, 2]
April 30, 2022*

		Unaudited FY 2022
Assets		
Current assets		
Cash - checking	$	1,340,686
Cash - money market		456,731
Total current assets		1,797,417
Noncurrent assets		
Restricted cash - project fund CCC bonds		20,802
Restricted cash - debt service fund CCC bonds		22,920
Capital assets not being depreciated		23,892,761
Capital assets being depreciated, net		21,672,622
Construction in progress		27,458,332
Total noncurrent assets		73,067,437
Total assets		74,864,854
Liabilities		
Current liabilities		
Accrued interest		35,738
Unearned income		600
Economic development payable - current portion		147,000
Bonds payable - current portion		490,000
Total current liabilities		673,338
Noncurrent liabilities		
Bonds payable - less current portion		720,000
Loans payable - less current portion		4,500,000
Total noncurrent liabilities		5,220,000
Total liabilities		5,893,338
Net Position		
Net investment in capital assets		71,834,517
Restricted - debt reserves		22,920
Unrestricted		(2,885,921)
Total net position	$	68,971,516

[1] Please note this balance sheet does not include the Due to/Due from between the County and the City since it nets out and only changes at fiscal year-end.

[2] Please note this balance sheet does not include all general accounts receivable or accounts payable at the month-end date. This is because information regarding accrued receivables/payables is not available at the time of statement preparation.

*Please note these statements are for the period ended April 31, 2022 as of April 27, 2022, the date of preparation. Due to statement preparation occurring in close proximity to month-end, these statements may not include some pending adjustments for the period.

Danville-Pittsylvania Regional Industrial Facility Authority
Statement of Revenues and Expenses and Changes in Fund Net Position
April 30, 2022*

		Unaudited FY 2022
Operating revenues		
Virginia Tobacco Commission Grants		270,000
Rental income		210,648
Other Income		1,286,054
Total operating revenues		1,766,702
Operating expenses [4]		
Mega Park expenses [3]		654,594
Cane Creek Centre expenses [3]		425,372
Cyber Park expenses [3]		644,594
Professional fees		51,333
Other operating expenses		1,381,102
Total operating expenses		3,156,995
Operating income (loss)		(1,390,293)
Non-operating revenues (expenses)		
Interest income		188
Interest expense		(35,738)
Total non-operating expenses, net		(35,550)
Net income (loss) before capital contributions		(1,425,843)
Capital contributions		
Contribution - City of Danville		561,507
Contribution - Pittsylvania County		407,018
Total capital contributions		968,525
Change in net position		(457,318)
Net position at July 1, 2021		69,428,834
Net position at April 30, 2022	$	68,971,516

[3] A portion or all of these expenses may be capitalized at fiscal year-end.

[4] Please note that most non-cash items, such as depreciation and amortization, are not included here until year-end entries are made.

Danville-Pittsylvania Regional Industrial Facility Authority
Statement of Cash Flows
*April 30, 2022**

		Unaudited FY 2022
Operating activities		
Receipts from grant reimbursement requests	$	376,454
Receipts from leases		1,249,193
Other receipts		632,218
Payments to suppliers for goods and services		(3,215,801)
Net cash used by operating activities		(957,936)
Capital and related financing activities		
Capital contributions		968,526
Interest paid on bonds		(29,396)
Principal repayments on bonds		(465,000)
Net cash provided by capital and related financing activities		474,130
Investing activities		
Interest received		188
Net cash provided by investing activities		188
Net increase (decrease) in cash and cash equivalents		(483,618)
Cash and cash equivalents - beginning of year (including restricted cash)		2,324,757
Cash and cash equivalents - through April 30, 2022 (including restricted cash)	$	1,841,139
Reconciliation of operating loss before capital contributions to net cash used by operating activities:		
Operating income (loss)	$	(1,390,293)
Adjustments to reconcile operating loss to net cash used by operating activities:		
Non-cash economic incentive expenses		459,514
Changes in assets and liabilities:		
Change in other receivables		494,037
Change in accounts payable		(518,319)
Change in unearned income		(2,875)
Net cash used by operating activities	$	(957,936)

Components of cash and cash equivalents at April 30, 2022:		
American National - Checking	$	1,340,686
American National - General money market		456,731
Wells Fargo - $7.3M Bonds CCC Debt service fund		22,920
Wells Fargo - $7.3M Bonds CCC Project fund		20,802
	$	1,841,139

Danville-Pittsylvania Regional Industrial Facility Authority

Executive Summary

Agenda Item No.:	Item 6
Meeting Date:	05/09/2022
Subject:	Closed Session Items as presented in the Agenda
From:	Chairman

A. As permitted by Section 2.2-3711(A)(5) of the Code of Virginia, 1950, as amended ("Virginia Code"), for discussion concerning one or more prospective businesses where no previous announcement has been made of that business's interest in locating its facilities in one or more of the Authority's projects, located in Pittsylvania County, Virginia, and/or Danville, Virginia; and

B. As permitted by Virginia Code § 2.2-3711(A)(39) for discussion or consideration of records excluded under Virginia Code § 2.2-3705.6(3) (including without limitation (i) those certain confidential proprietary records voluntarily provided by private business pursuant to a promise of confidentiality from the Authority, and used by the Authority for business and trade development and (ii) those certain memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by the Authority, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the Authority); such information being excluded from mandatory disclosure under Virginia Code § 2.2-3705.1(12) (information relating to the negotiation and award of a specific contract pertaining to the Authority's Southern Virginia Megasite at Berry Hill project, Cyber Park project and/or Cane Creek Centre project, where competition or bargaining is involved and where the release of such information would adversely affect the bargaining power or negotiating strategy of the Authority) and Virginia Code § 2.2- 3705.1(8) (appraisals and cost estimates of real property in one or more of the Authority's projects subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease); and

C. As permitted by Virginia Code § 2.2-3711(A)(3) for discussion or consideration of the acquisition and/or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Authority; and

D. As permitted by Virginia Code § 2.2-3711(A)(8) for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; and

E. As permitted by Virginia Code § 2.2-3711(A)(29) for discussion of the award of a public contract involving the expenditures of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Authority.

RETURN TO OPEN SESSION

F. Confirmation of Motion and Vote to Reconvene in Open Meeting.
G. Motion to Certify Closed Meeting.

Danville-Pittsylvania Regional Industrial Facility Authority

Executive Summary

Agenda Item No.:	Item 7
Meeting Date:	05/09/2022
Subject:	Communications

Communications:

A. Authority Board Members

B. Staff regarding update on Cane Creek Centre project signage; and other

C. Dewberry Engineers regarding SVM signage landscaping

D. Legal counsel regarding House Bill 184 (“Virginia Stormwater Management Programs; Regional Industrial Facility Authorities”)

ADJOURN