



Danville-Pittsylvania Regional Industrial Facility Authority

**City of Danville, Virginia
County of Pittsylvania, Virginia**

AGENDA

January 9, 2023

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
Darrell W. Dalton
Robert M. Tucker, Jr., 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 Officer
J. Vaden Hunt, County Administrator Officer
Christian & Barton, L.L.P., Legal Counsel to Authority
Susan M. DeMasi, Authority Secretary
Michael L. Adkins, Authority Treasurer**

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 DECEMBER 12, 2022 REGULAR MEETING AND DECEMBER 16, 2022 SPECIAL MEETING.

5. NEW BUSINESS

A. Election and Reappointment of Officers for Calendar Year 2023 – Michael C. Guanzon, Esq., Christian & Barton, LLP, Legal Counsel to the Authority:

- i. Election of Chairman from Danville City Member Locality (see Bylaws, Article VI, paragraph 1)
- ii. Election of Vice Chairman from Pittsylvania County Member Locality (see Bylaws, Article VI, paragraph 4)
- iii. Reappointment of Secretary from the Authority's staff – Susan M. DeMasi, City Clerk, City of Danville
- iv. Reappointment of Treasurer from the Authority's staff – Michael L. Adkins, Director of Finance, City of Danville

[At this point of the Agenda, the newly elected Chairman shall preside over the meeting.]

- B. Consideration of Resolution No. 2023-01-09-5B, approving a one-year renewal of the Lease with Mountain View Farms of Virginia, L.C., a Virginia limited liability company, as tenant, for that certain real property (being a Portion of GPIN 1356-80-4414) of the Authority, containing approximately 30 acres and fronting on Stateline Bridge Road, in the Authority's Southern Virginia Megasite at Berry Hill Project, in Pittsylvania County, Virginia, for the purpose of planting and harvesting sod, soybeans, and/or other cover crops, but not tobacco, at a total rental fee of \$1,200; such renewal also includes a 60-day early termination right and right to show the property to business recruits of the Authority – Michael C. Guanzon, Esq., Christian & Barton, L.L.P., Legal Counsel to the Authority

- C. Consideration of Resolution No. 2023-01-09-5C, approving the negotiation, execution and delivery of a Memorandum of Agreement (the “MOA”) with the City of Danville, Virginia, for certain construction work within the Authority’s Southern Virginia Megasite at Berry Hill, located in Pittsylvania County, Virginia, including among other things, the removal of existing and addition of new utility poles and associated anchors, right of way clearing, and obtaining railroad crossing permits, all of which shall not to exceed an aggregate cost of \$101,000.00, and subject to the approval by legal counsel to the Authority as to legal form and to certification by the Treasurer of availability of funds for payments under the MOA, including without limitation the identification of the applicable budget sheet – Jason Grey, Director of Utilities, City of Danville; and Kenneth F. Larking, City Manager Officer
- D. Consideration of Resolution No. 2023-01-09-5D, approving the renewal of that certain Construction Materials Storage Lease Agreement dated October 31, 2021, with Appalachian Power Company, approved under Resolution No. 2021-10-12-5D, for an additional period of up to six months at a lease rate of \$1,500.00 per month, to complete certain transmission line and substation construction activities at the Authority’s Southern Virginia Megasite at Berry Hill, located in Pittsylvania County, Virginia, including without limitation restoring the Lease Premises by replacing the existing gravel with new grass – Mr. Guanzon
- E. Financial Status Reports as of December 31, 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

8. ADJOURN

Danville-Pittsylvania Regional Industrial Facility Authority

Executive Summary

Agenda Item No.:	Item 4
Meeting Date:	01/09/2023
Subject:	Meeting Minutes
From:	Susan M. DeMasi, Authority Secretary

SUMMARY

Attached for the Board's approval are the Meeting Minutes from the Regular RIFA Meeting held on December 12, 2022, and Special Meeting held on December 16, 2022.

ATTACHMENTS

Meeting Minutes – 12/12/22 and 12/16/22

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Minutes

December 12, 2022

A Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority convened at 12:12 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 Darrell Dalton; Alternate Robert Tucker was absent.

City/County staff members attending were: Interim County Administrator J. Vaden Hunt, City of Danville Director of Finance Michael Adkins, City of Danville Accountant Tiffany Swanson-Jones, Pittsylvania County Director of Finance Kim Van Der Hyde, City of Danville Director of Economic Development Corrie Bobe, Pittsylvania County Director of Economic Development Matt Rowe, Pittsylvania County Project Manager Kattie Saunders, Legal Counsel to the Authority Attorney Michael C. Guanzon, and Secretary to the Authority Susan DeMasi. Also present were City of Danville Director of Utilities Jason Gray, and Shawn Harden and Brian Bradner from Dewberry.

Chairman William V. Ingram presided.

PUBLIC COMMENT PERIOD

No one present desired to be heard.

APPROVAL OF MINUTES OF THE NOVEMBER 14, 2022 REGULAR MEETING

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

NEW BUSINESS

Upon Motion made and duly seconded, a Motion was passed to Amend the Agenda to add New Business Item 5C, Resolution 2022-12-12-5C.

5A. CONSIDERATION OF RESOLUTION 2022-12-12-5A FURTHER REVISING THE AUTHORITY BYLAWS

Legal Counsel to the Authority Michael Guanzon explained this item was to amend the bylaws to give the City Manager Officer and County Administrator Officer an added authorization to enter into limited license agreements. That was used to allow prospective businesses and industries, who RIFA was trying to possibly recruit, to do some due diligence and testing in advance of entering into a local performance agreement. Depending on the size of the project, sometimes the prospect did not want to commit by just taking a staff report, they wanted to do their own reports; this would help to shortcut that process. If RIFA allowed the two officers to do this, the City Manager and the County Administrator, jointly, would have to agree to this, and it was a limited time period. The recruit can be on the property for a period of time not to exceed one year and it would have to be subject to legal review.

Dr. Miller questioned, anything they do would be restored, and Mr. Guanzon noted it would. It was not required in there, but staff will ask them to say they have to share whatever they

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find with RIFA. RIFA might actually get more information they did not have to pay for, because a company, at their expense got the tests done.

Mr. Dalton **moved** for adoption of *Resolution No. 2022-12-12-5A, further revising the Amended and Restated Bylaws of the Authority adopted August 13, 2007, and last revised September 12, 2022, by amending paragraph 6(c) of Article IV ("Officers"), granting the City Manager Officer and the County Administrator Officer the Authority to enter into license agreements for investigations and examinations of real property owned by the Authority, where such term shall be one year or less*

Dr. Miller questioned if a company got information, and they have to share it with RIFA, if they got out of the picture and didn't come, could RIFA share it with another company. Mr. Guanzon noted yes and no; if the company that did it, and sometimes a company that assists, has proprietary information on their business plan that was related to that, that was not shareable. While RIFA has this information and they can keep that and use it internally, no one else can rely on it.

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

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

5B. FINANCIAL STATUS REPORTS AS OF NOVEMBER 30, 2022

City of Danville Director of Finance Michael Adkins gave the Financial Status report as of November 30, 2022, starting with the \$7.3M Bonds for Cane Creek which had no activity. Under General Expenditures for this fiscal year, there was a contingency line item, a check written to Sellars Brothers for \$2,750 for bush hogging and mowing the lawn at Berry Hill; Utilities were \$173.48. Berry Hill Funding Other than Bonds had no expenditures but did have two reimbursements, one from the Danville Regional Foundation for Williams Transco related items of \$40,000 and also a reimbursement from the Tobacco Commission for Grant #2264 of \$979,229.67. Lot 4 Site Development had no expenditures for November. Under Lots 1 and 2 at the Megasite, the City did receive reimbursement from Tobacco Grant #3358; the City requested \$362,356.30 and that was received. RIFA had two expenditures in November, one to Jimmy R. Lynch & Sons of \$205,580.00 for progress billing Number 6 for work on Lots 1 and 2, and also a check for Dewberry Engineers for \$12,500.00. Water and Sewer at Berry Hill had no expenditures for November; Cyber Park Site Development had an expenditure for Sellars Brothers, their third application for payment of \$423,956.50, for Lot 7B. Rent, Interest and Other Income show RIFA received their rent for the Hawkins' Building of \$21,846.50 from the Institute, \$1,500 from AEP for their storage rent for the month of December, the money market earned interest income of \$194.10, and RIFA received several payments from the timber sales at Berry Hill from Hopkins Lumber; those payments totaled \$162,681.05. RIFA also received the City and County's share of the Industrial Enhancement Grant for Morgan Olsen for their Local Performance Agreement, each locality paying \$67,798. The City's share of the Enterprise Zone Grant for Morgan Olsen was received, that amount was \$85,000. There was one expenditure, the Hawkins' Building Maintenance Agreement to the Institute for \$21,846.50.

Mr. Saunders **moved** to accept the Financial Report as presented; the Motion was **seconded**

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by Mr. Vogler and carried by the following vote:

VOTE: 4-0

AYE: Ingram, Dalton, Saunders, Vogler (4)

NAY: None (0)

5C. CONSIDERATION OF RESOLUTION 2022-12-12-5C (ADDED AT MEETING)

Mr. Ingram noted the conversation about naming part of Berry Hill Road came up recently. He had talked to Mr. Saunders about this, and Bob Warren at their last meeting mentioned naming part of Berry Hill Road after Coy Harville and Sherman Saunders. Mr. Ingram noted he thought that people that had served, like Mr. Harville and Mr. Saunders, needed to be remembered. A lot of times, people were remembered after they were gone. The Board of Supervisors has proposed to introduce a Resolution to the Commonwealth Transportation Board to consider renaming part of the Berry Hill Road. This Resolution today, if the Board adopted it, would encourage and support the Board of Supervisors in renaming the north part of Route 311, Berry Hill Road, from Route 58 down to where the new connector road will come in, the Harville-Saunders, either highway, road or lane. That will leave the connector road open to be renamed after a corporation, which was consistent, and the south part of Route 311, the other part of Berry Hill, leave as it was. Mr. Ingram asked the Board to consider supporting this resolution, and cannot think of anyone more suitable to be honored by renaming a highway, than Sherman Saunders and Coy Harville.

Mr. Vogler **moved** to approve *Resolution 2022-12-12-5C (Added to the Agenda at the Meeting) encouraging and supporting a request by the Pittsylvania County Board of Supervisors to the Virginia Department of Transportation to rename a northern portion of Route 311/Berry Hill Road (Running from Route 58 to the Intersection of the proposed connector road to service the Authority's SVM Project) to "Harville-Saunders Highway", "Lane" or "Road."*

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

Mr. Vogler noted he had spoken to Mr. Warren about this and stated he loved the idea. When he thinks about the two people who were there at the beginning, who did things for the betterment of this region at a time when it wasn't popular to do it. To have the vision and commitment to see it through, he thinks it was more than appropriate to support this resolution, hoped it goes through the proper channels and makes it way into becoming a reality; it was absolutely warranted. Mr. Dalton noted his agreement with Mr. Vogler. They were two great gentlemen, he had worked with Mr. Harville and has known Mr. Saunders for years and thinks it was great. Dr. Miller concurred with everything that has been said, they could not pick two better people to name a highway after.

Mr. Ingram noted he had spoken to Mr. Saunders before this, stating that Mr. Saunders has done so much for not only the City but for RIFA, and the establishment of that park. It was a honor they wanted to bestow upon him. Mr. Ingram noted there was no one else he could think of that was anymore worthy of this and would appreciate their vote and support.

Mr. Saunders stated he was kind of at a loss for words, and very humbled by this consideration; he had no expectation of anything like this. All his life he had done whatever he could for others, but had never asked for anything for himself. He would make this motion

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for people he knows and respects but not for himself. He was born and raised in Pittsylvania County, in Ringgold on a tobacco farm; he came out of the Army at twenty three, his mother was still cooking on the same wood stove that she had used since they were born. Mr. Saunders noted he comes from a very humble beginning and was thankful for the people he met along the way. It was an honor to work with Coy Harville on RIFA, they served on the PEDO board together many years ago, and served together on other events; he was a friend. Mr. Saunders thanked the RIFA board for this consideration, but will abstain on the vote.

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

VOTE: 3-0-1
AYE: Ingram, Dalton, Vogler (3)
NAY: None (0)
ABSTAIN: Saunders (1)

6. CLOSED SESSION

At 12:36 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:

[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

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

RETURN TO OPEN SESSION

On **Motion** by Mr. Ingram and **second** by Mr. Dalton and by unanimous vote at 1:10 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: Ingram, Dalton, Saunders, Vogler (4)
NAY: None (0)

7. COMMUNICATIONS

Mr. Saunders stated he wanted to thank the Board and all the staff for recognizing him and his family; it was appreciated. He looked forward to working with Mr. Vogler next month, he will do an excellent job. To Mr. Ingram, it has been great working with him; going to these

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meetings all these years, this has been the smoothest twelve months he has experienced ever. This Chairman and this Board, the staff working together, has been very, very humbling and noted his thanks for being a part of this.

Mr. Vogler wished everyone a Merry Christmas.

Mr. Dalton noted he has enjoyed working with this Board for the past year, hoped he will be back and wished everyone a Merry Christmas and Happy New Year.

Mr. Ingram stated this year went by very quickly, it has been a fun year and he appreciated the kind comments Mr. Saunders made. Mr. Ingram noted he does not know what the future holds, if he will be back next year, but this has been a great year and a tremendous honor working with the Board and staff. Mr. Ingram stated he will not forget the work that the staff does for the Board, and thanked Mr. Guanzon for his work.

Dr. Miller noted a Happy Holidays to everyone.

Staff members wished everyone a Happy Holidays and were looking forward to a really exciting New Year for the entire region.

City of Danville Director of Utilities Jason Grey noted there was an electric line through the middle of a pad site at Berry Hill; staff was working to relocate it, but it will come at a cost. They don't want the line to be in the way for a prospect. Staff was asking up to \$100,000 to relocate it, they need to get an easement and a railroad crossing permit; it was going to be a lot of work to get that section on Oak Hill Road removed and re-routed. Mr. Guanzon noted the details will be discussed at the next RIFA meeting as to how that was going to happen. One way was outright payment from RIFA to the City for that work or the typical way potentially would depend on the due to/due from ration between the city and the county. Staff will talk about it and probably have a recommendation at the January meeting.

Meeting adjourned at 1:18 p.m.

APPROVED:

Chairman

Secretary to the Authority

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December 16, 2022s

A Special Called Meeting of the Danville-Pittsylvania Regional Industrial Facility Authority convened at 8:30 a.m. on the above date at the Fourth Floor Conference Room, Danville Municipal Building, 427 Patton Street, 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 Darrell Dalton; Alternate Robert Tucker was absent.

City/County staff members attending were: City Manager Ken Larking, City of Danville Director of Finance Michael Adkins, Legal Counsel to the Authority Attorney Michael C. Guanzon (Via Zoom), and Secretary to the Authority Susan DeMasi. Also present was Shawn Harden from Dewberry.

Chairman William V. Ingram presided.

PUBLIC COMMENT PERIOD

No one present desired to be heard.

NEW BUSINESS

4A. CONSIDERATION OF RESOLUTION 2022-12-16-4A APPROVING CHANGE ORDER 1 TO SITE DEVELOPMENT WORK BY JIMMY R. LYNCH & SONS FOR LOT 1 AT BERRY HILL

City Manager Ken Larking explained this was a change order for grading of Lots 1 and 2 at the Berry Hill Mega Site. RIFA had budgeted enough money to cover the cost and when it was bid out, it came in significantly under budget. As the contractor was working on the site, they discovered some rock on the property that needed to be dealt with, at a higher cost than was anticipated; there was a need for a change order in order to accommodate that. Shawn Harden of Dewberry noted they did find some rock, and he and the contractor revised the plans to make the site more marketable for companies in the future. Because of that, the change order needed to be approved.

Authority Treasurer Michael Adkins noted for the funding, they have a grant that was a 50/50 grant that will cover half of this cost, but there will have to be local funding to cover the other half; that can easily be taken from the unrestricted fund balance. At the end of November RIFA had about \$840,000 that could be used, and within the first couple weeks of December, RIFA had collected close to \$100,000 in timber sales which will add to that. The fund balance now had a total of about \$940,000, half of the change order was about \$370,000, that was where the local match for the grant funds will come from to cover the costs.

Mr. Saunders **moved** for adoption of *Resolution No. 2022-12-16-4A Approving Change Order 1 to the Site Development Work by Jimmy R. Lynch & Sons, Inc., a North Carolina Corporation, originally approved under Resolution No. 2022-04-11-5A, for Lot 1 and 2 Graded Pad Project in the Authority's Southern Virginia Megasite at Berry Hill, Located in Pittsylvania County, Virginia, Increasing the contract price by \$744,936.30.*

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

VOTE: 4-0

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AYE: Ingram, Dalton, Saunders, Vogler (4)

NAY: None (0)

4B. CONSIDERATION OF RESOLUTION NO. 2022-12-16-4B APPROVING THE PREPARATION BY DEWBERRY ENGINEERS OF AN ALTA SURVEY

Mr. Harden explained this was to do a new ALTA survey and to obtain new aerial topo for the Mega Site; it was part of moving the site forward, making sure it was ready for when that company lands.

Mr. Dalton **moved** for adoption of *Resolution No. 2022-12-16-4B approving the preparation by Dewberry Engineers, Inc., a New York Corporation, of a survey that complies with the standards of the American Land Title Association (also known as an Alta Survey) for portions of the Authority's Southern Virginia Megasite at Berry Hill, located in Pittsylvania County, Virginia, at a cost not to exceed \$90,000.*

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

VOTE: 4-0

AYE: Ingram, Dalton, Saunders, Vogler (4)

NAY: None (0)

Legal Counsel for the Authority Michael Guanzon explained the reason they had to have a special meeting was because there were some significant cost savings to approving it now instead of waiting until the January meeting, for cost of mobilization of the contractor.

Mr. Ingram thanked everyone for attending and hoped they had a wonderful Christmas.

Mr. Saunders noted it has been a pleasure working with Mr. Ingram; he has done an excellent job. It meant so much, not just to this body, but all the things that were happening in the region. In terms of the partnership, Mr. Ingram was an excellent partner, it has been a pleasure working with him and was looking forward to seeing him back the first of the year. Mr. Ingram noted he appreciated Mr. Saunders' kind words.

Mr. Vogler stated he echoed everything Mr. Saunders said, thanked Mr. Ingram and Mr. Dalton and hoped to see them back. It has been wonderful working with them, and he can't wait to continue the great partnership they have. Dr. Miller noted he thinks things have gone well with the City and the County this past year. Mr. Ingram stated it has been a real pleasure working with all of them and hoped he had the privilege to return.

Meeting adjourned at 8:39 a.m.

APPROVED:

Chairman

Secretary to the Authority

Danville-Pittsylvania Regional Industrial Facility Authority

Executive Summary

Agenda Item No.:	Item 5A
Meeting Date:	01/09/2023
Subject:	Resolution 2023-01-09-5A
From:	Michael C. Guanzon, Esq., Legal Counsel to the Authority

SUMMARY

1. Election of Chairman from City of Danville.
2. Election of Vice Chairman from Pittsylvania County.
3. Reappointment of Secretary.
4. Reappointment of Treasurer.

ATTACHMENT

Resolution 2023-01-09-5A

A RESOLUTION TO REAPPOINT THE SECRETARY AND TREASURER OF THE AUTHORITY.

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, the Authority, pursuant to paragraph 5 of Article VI of the Amended and Restated Bylaws of the Authority (the “**Bylaws**”), is required to appoint a Secretary and Treasurer from the Authority’s staff, which may include staff provided by a Member Locality or other persons employed or contracted by the Authority;

WHEREAS, under paragraph 2 of Article VI of the Bylaws, the term of office of a Secretary and Treasurer shall be for the calendar year, and accordingly, the terms of Secretary Susan M. DeMasi and Treasurer Michael L. Adkins expired on December 31, 2022; and

WHEREAS, each of Susan M. DeMasi and Michael L. Adkins is eligible for reappointment under the paragraph 5 of Article VI of the Bylaws.

NOW, THEREFORE, BE IT RESOLVED, that

1. The Board hereby reappoints the following persons to serve the Authority in the office designated below and to have such powers and duties as prescribed to that person by the Bylaws and pursuant to applicable law:

Secretary: **Susan M. DeMasi** (term of office expires on December 31, 2023 and shall continue until her successor is appointed or reappointed)

Treasurer: **Michael L. Adkins** (term of office expires on December 31, 2023 and shall continue until his successor is appointed or reappointed)

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 they in their discretion deem necessary or appropriate in order to carry out the intent and purposes of these resolutions.

3. 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 meeting duly called and held on January 9, 2023, 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 January 2023.

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

(SEAL)

Danville-Pittsylvania Regional Industrial Facility Authority

Executive Summary

Agenda Item No.:	Item 5B
Meeting Date:	01/09/2023
Subject:	Resolution 2023-01-09-5B Michael C. Guanzon, Esq.
From:	Legal Counsel to the Authority

SUMMARY

The Board will be asked to approve Resolution 2023-01-09-5B, approving a one-year renewal of the Lease with Mountain View Farms of Virginia, L.C.,

ATTACHMENT

Resolution 2023-01-09-5B

Lease

Resolution No. 2023-01-09-5B

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE LEASE WITH MOUNTAIN VIEW FARMS OF VIRGINIA, L.C., A VIRGINIA LIMITED LIABILITY COMPANY, AS TENANT, FOR THAT CERTAIN REAL PROPERTY (BEING A PORTION OF GPIN 1356-80-4414) OF THE AUTHORITY, CONTAINING APPROXIMATELY 30 ACRES AND FRONTING ON STATELINE BRIDGE ROAD, IN THE AUTHORITY’S SOUTHERN VIRGINIA MEGASITE AT BERRY HILL PROJECT, IN PITTSYLVANIA COUNTY, VIRGINIA, FOR THE PURPOSE OF PLANTING AND HARVESTING SOD, SOYBEANS, AND/OR OTHER COVER CROPS, BUT NOT TOBACCO, AT A TOTAL RENTAL FEE OF \$1,200; SUCH RENEWAL ALSO INCLUDES A 60-DAY EARLY TERMINATION RIGHT AND RIGHT TO SHOW THE PROPERTY TO BUSINESS RECRUITS OF THE AUTHORITY

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, Mountain View Farms of Virginia, L.C., a Virginia limited liability company (“**Mountain View**”), entered into that certain Lease Agreement with the Authority, dated as of January 15, 2012, as last renewed by that certain 2022 Lease Renewal Agreement dated as of January 1, 2022 (the “**Current Lease**”), to lease certain real property (being a portion of GPIN 1356-80-4414) of the Authority, containing approximately thirty (30) acres and fronting on Stateline Bridge Road, in Pittsylvania County, Virginia (the “**Property**”), for the extended period beginning on January 1, 2022 and ending on December 31, 2022, for planting and harvesting sod, soybeans, and/or other cover crops, but not tobacco, and any other purposes approved by the Authority, for a total rental fee of One Thousand Two Hundred and 00/100 Dollars (\$1,200.00); and

WHEREAS, Mountain View desires to renew the Current Lease, which expired on December 31, 2022, for an additional one (1) year term beginning on January 1, 2023 and ending on December 31, 2023; and consistent with similar leases by the Authority, the Authority shall have a 60-day early termination right and the right to show the Property to business recruits, the identities of whom Mountain View would keep confidential until a public announcement is made by the Authority; and

WHEREAS, the Farm Service Agency of the United States Department of Agriculture has determined that fair market value rent for the Property is Forty and 00/100 Dollars (\$40.00) per acre; and

WHEREAS, the Authority has determined that it is in the best interests of the Authority and of the citizens of Pittsylvania County and the City of Danville, Virginia, for the Authority to renew the Current Lease for an additional one (1) year term at a Base Rent (as defined in the Current Lease) of One Thousand Two Hundred and 00/100 Dollars (\$1,200.00), with additional rights of the Authority consistent with its other similar leases, and otherwise on the same terms and conditions as the Current Lease; and

Resolution No. 2023-01-09-5B

WHEREAS, the terms of the lease renewal are set forth in **Exhibit A**, attached hereto and incorporated herein by this reference (the “**Lease Renewal**”).

NOW, THEREFORE, BE IT RESOLVED, that

1. The Authority hereby approves the Lease Renewal as reviewed at this meeting and substantially in the form set forth in **Exhibit A**, each of the Authority’s Chairman and Vice Chairman, in consultation with the other, is authorized to further modify the Lease Renewal 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 and hereby authorizes the Chairman and the Vice Chairman, either of whom may act independently of the other, to execute and deliver the Lease Renewal, and all other related documents to consummate the transaction, on behalf of the Authority, such execution of the Lease Renewal, and related documents by the Chairman (or Vice Chairman as the case may be) to conclusively establish his approval of any modifications as consulted by and between the Chairman and Vice Chairman.

2. The Authority hereby authorizes and directs the City Manager Officer, the County Administrator Officer, 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 Lease Renewal, or as they in their discretion deem necessary or appropriate in order to carry out the intent and purposes of these resolutions.

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 Lease Renewal and the matters contemplated therein.

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

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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 January 9, 2023, 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 January 2023.

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

(SEAL)

Resolution No. 2023-01-09-5B

Exhibit A

(2023 Lease Renewal Agreement – Mountain View Farms, L.C.)

2023 LEASE RENEWAL AGREEMENT

THIS 2023 LEASE RENEWAL AGREEMENT (this “**Lease Renewal**”) is made as of the 1st day of January 2023, by and between **DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY**, a political subdivision of the Commonwealth of Virginia (“**Landlord**”); and **MOUNTAIN VIEW FARMS OF VIRGINIA, L.C.**, a Virginia limited liability company (“**Tenant**”).

W I T N E S S E T H :

That for and in consideration of the mutual promises and covenants contained in this Lease Renewal, the parties agree as follows:

Section 1 – Recitals. The parties recite the following: Landlord and Tenant entered into that certain Lease Agreement dated as of January 15, 2012 (the “**Lease**”), as last extended by that certain 2022 Lease Renewal Agreement dated as of January 1, 2022, for lease of the Property, for the extended period beginning January 1, 2022 and ending on December 31, 2022 (the “**Current Extended Term**”). Landlord and Tenant desire to enter into this Lease Renewal to further extend the term of the Lease. The GPIN for the Property (as defined in the Lease) is part of 1356-80-4414.

Section 2 – Renewal Term. Following the end of the Current Extended Term, the term of the Lease shall continue for a term beginning on January 1, 2023 and ending on December 31, 2023 (the “**Renewal Term**”), unless sooner terminated as provided in the Lease. Prior to the end of the Renewal Term set forth herein, Landlord shall have the right to terminate the Lease upon giving at least sixty (60) days prior written notice to Tenant, in which event Landlord shall reimburse Tenant for a pro rata portion of the Base Rent covering the period between the date of termination and December 31, 2023.

Section 3 - Rent Payment. For the Renewal Term, Tenant agrees to pay to Landlord a base rent (“**Base Rent**”) for the Property in the amount of One Thousand Two Hundred and 00/100 Dollars (\$1,200.00), due and payable by Tenant to Landlord on the date this Lease Renewal is executed by Tenant.

Section 4 – Right to Show the Property. At any time during the Renewal Term set forth herein, Landlord shall have the right, upon twenty-four (24) hours’ notice to Tenant (which can be by telephone or by e-mail), to enter upon and to show the Property (as defined in the Lease and in this Lease Renewal) to prospective business recruits (the “**Recruits**”). Tenant agrees to keep in strictest confidence the identity of any Recruits until a public announcement is made by Landlord, if ever, or as otherwise required by law.

Section 5 - Entire Agreement. The Lease and this Lease Renewal contain the entire agreement and understanding of the parties with respect to the transactions contemplated hereby; and the Lease and this Lease Renewal supersede all prior understandings and agreements of the parties with respect to the subject matter hereof.

Section 6 - Interpretation. All of the terms, covenants and conditions of the Lease shall continue in full force and effect, and the same are hereby reaffirmed, remade and rewritten, except to the extent that any such terms, covenants or conditions have been nullified hereby or conflict or are inconsistent with the terms of this Lease Renewal, in which event the terms of this Lease Renewal shall, in all respects, govern and prevail.

Section 7 - Defined Terms. The capitalized terms of this Lease Renewal that are not defined herein shall be defined as set forth in the Lease.

[SIGNATURES ON FOLLOWING PAGE.]

WITNESS the following signatures to this **2023 LEASE RENEWAL AGREEMENT**:

Landlord:

**DANVILLE-PITTSYLVANIA REGIONAL
INDUSTRIAL FACILITY AUTHORITY**, a political
subdivision of the Commonwealth of Virginia

By: _____
_____, Chairman

Tenant:

MOUNTAIN VIEW FARMS OF VIRGINIA, L.C., a
Virginia limited liability company

By: _____
Title: _____

Danville-Pittsylvania Regional Industrial Facility Authority

Executive Summary

Agenda Item No.:	Item 5C
Meeting Date:	01/09/2023
Subject:	Resolution 2023-01-09-5C
	Jason Grey, Director of Utilities, City of Danville
From:	Ken Larking, City Manager Officer

SUMMARY

The Board will be asked to approve Resolution 2023-01-09-5C, approving negotiation, execution and delivery of a Memorandum of Agreement with the City of Danville.

ATTACHMENT

Resolution 2023-01-09-5C

A RESOLUTION APPROVING THE NEGOTIATION, EXECUTION AND DELIVERY OF A MEMORANDUM OF AGREEMENT WITH THE CITY OF DANVILLE, VIRGINIA (THE “MOA”), FOR CERTAIN CONSTRUCTION WORK WITHIN THE AUTHORITY’S SOUTHERN VIRGINIA MEGASITE AT BERRY HILL, LOCATED IN PITTSYLVANIA COUNTY, VIRGINIA, INCLUDING AMONG OTHER THINGS, THE REMOVAL OF EXISTING AND ADDITION OF NEW UTILITY POLES AND ASSOCIATED ANCHORS, RIGHT OF WAY CLEARING, AND OBTAINING RAILROAD CROSSING PERMITS, ALL OF WHICH SHALL NOT TO EXCEED AN AGGREGATE COST OF \$101,000.00, AND SUBJECT TO THE APPROVAL BY LEGAL COUNSEL TO THE AUTHORITY AS TO LEGAL FORM AND TO CERTIFICATION BY THE TREASURER OF AVAILABILITY OF FUNDS FOR PAYMENTS UNDER THE MOA, INCLUDING WITHOUT LIMITATION THE IDENTIFICATION OF THE APPLICABLE BUDGET SHEET

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, the Authority, the County of Pittsylvania, Virginia (the “**County**”), and the City of Danville, Virginia (the “**City**”), in order to stimulate economic growth and development of the community by creating jobs and infrastructure have agreed to provide incentives to new and expanding businesses which conduct industrial activity; and

WHEREAS, as part of the Authority’s development plan to relocate and upgrade the capacity of the existing utility lines within its Southern Virginia Megasite at Berry Hill (the “**SVM**”), located in Pittsylvania County, Virginia, it is necessary for the Authority to cause certain construction work, including without limitation the following:

- (i) Removal of pole lines and associated anchors on Oak Hill Road (estimated at approximately \$10,000);
- (ii) Removal of pole lines and associated anchors on Berry Hill Road (estimated at approximately \$8,000);
- (iii) Installation of pole lines and associated anchors for tie into new utility lines on Mountain Run Road (estimated at approximately \$25,000);
- (iv) Right of way clearing (estimated at approximately \$28,000); and
- (v) Obtaining permits for crossing railroads (estimated at approximately \$30,000); and

with a total estimated cost of \$101,000.00; and

WHEREAS, the City, as a member locality of the Authority, is ready, willing and able to perform such work described above for the development of the SVM, under the terms and conditions to be set forth in a Memorandum of Agreement (the “**MOA**”) to be negotiated with the Authority, at a maximum aggregate cost of \$101,000.00;

WHEREAS, each of the Authority, the County and the City finds that the work to the SVM project as described above will promote the expansion of industry by inducing industrial

Resolution No. 2023-01-09-5C

development within the SVM project, and that such development will promote the safety, health, welfare, convenience and prosperity of the citizens of the County and the City; and

WHEREAS, the Authority has determined that it is in the best interests of the Authority, the citizens of the City and the County, and in furtherance of the development of the SVM project, for the Authority to approve, to negotiate, to execute and to deliver the MOA, as applicable, consistent with this Resolution.

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

1. The Authority hereby approves the negotiation, execution and delivery of the MOA, at a maximum aggregate cost of \$101,000.00, subject to the approval by legal counsel to the Authority as to legal form and to certification by the Treasurer of availability of funds for payments under the MOA, including without limitation the identification of the applicable budget sheet. The Authority hereby authorizes the Chairman and the Vice Chairman, either of whom may act independently of the other, in consultation with the other, to further negotiate and amend the MOA, on behalf of the Authority, consistent with this Resolution and as approved by legal counsel to the Authority as to legal form, such execution of any such amendments by the Chairman (or Vice Chairman as the case may be) to conclusively establish the approval of any such amendments.

2. The Authority hereby authorizes and directs the City Manager Officer, the County Administrator Officer, and the Authority's 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 MOA, or as they in their discretion deem necessary or appropriate in order to carry out the intent and purposes of these resolutions; however, such authorization shall be subject to the same approval by legal counsel to the Authority and certification by the Treasurer as set forth above.

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 MOA, and the matters contemplated therein or related thereto on before the date of this Resolution is adopted.

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

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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 January 9, 2023, 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 as of the 9th day of January 2023.

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

(SEAL)

Danville-Pittsylvania Regional Industrial Facility Authority

Executive Summary

Agenda Item No.:	Item 5D
Meeting Date:	01/09/2023
Subject:	Resolution 2023-01-09-5D Michael C. Guanzon, Esq.
From:	Legal Counsel to the Authority

SUMMARY

The Board will be asked to approve Resolution 2023-01-09-5D, approving renewal of a Construction Materials Storage Lease Agreement with Appalachian Power Company.

ATTACHMENT

Resolution 2023-01-09-5D

A RESOLUTION APPROVING THE RENEWAL OF THAT CERTAIN CONSTRUCTION MATERIALS STORAGE LEASE AGREEMENT DATED OCTOBER 31, 2021, WITH APPALACHIAN POWER COMPANY, APPROVED UNDER RESOLUTION NO. 2021-10-12-5D, FOR AN ADDITIONAL PERIOD OF UP TO SIX MONTHS AT A LEASE RATE OF \$1,500.00 PER MONTH, TO COMPLETE CERTAIN TRANSMISSION LINE AND SUBSTATION CONSTRUCTION ACTIVITIES AT THE AUTHORITY'S SOUTHERN VIRGINIA MEGASITE AT BERRY HILL, LOCATED IN PITTSYLVANIA COUNTY, VIRGINIA, INCLUDING WITHOUT LIMITATION RESTORING THE LEASE PREMISES BY REPLACING THE EXISTING GRAVEL WITH NEW GRASS

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, the Authority, the City of Danville, Virginia (the “**City**”), and the County of Pittsylvania County, Virginia (the “**County**”), in order to stimulate economic growth and development of the community by creating jobs and infrastructure have agreed to provide incentives to new and expanding businesses which conduct industrial activity; and

WHEREAS, the Authority, pursuant to Resolution No. 2021-10-12-5D, entered into that certain Construction Materials Storage Lease Agreement dated October 31, 2021, with Appalachian Power Company (“**APCo**”), with APCo as lessee (the “**Storage Lease**”), in support of existing electrical transmission line relocation work in the Authority’s Southern Virginia Megasite at Berry Hill project (the “**SVM**”), located in Pittsylvania County, Virginia; and

WHEREAS, APCo has requested an extension of the Storage Lease of up to six (6) months (the “**Extension**”) to complete the work by restoring the Leased Premises (as defined in the Storage Lease) to at least substantially the same condition they were in before the commencement of the Storage Lease, namely by replacing the existing gravel with new grass; the Extension would be at a rate of \$1,500.00 per month; and

WHEREAS, the Authority has determined that it is in the best interests of the Authority, of the citizens of the County and the City, and of further development of the SVM, for the Authority to approve the extension of execution of an Extension to facilitate the completion of the transmission line relocation work.

NOW, THEREFORE, BE IT RESOLVED, that

1. The Authority hereby authorizes and approves the execution and delivery of an Extension with APCo, as described in this Resolution, subject to approval and modification by the Authority's legal counsel as to legal form.

Resolution No. 2023-01-09-5D

2. Each of the Authority's Chairman and Vice Chairman, in consultation with the other, is authorized to further modify the Extension 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 and hereby authorizes the Chairman and the Vice Chairman, either of whom may act independently of the other, to execute and deliver the Extension, and all other related documents to consummate the transaction, on behalf of the Authority, such execution of the Extension, and related documents by the Chairman (or Vice Chairman as the case may be) to conclusively establish his approval of any modifications as consulted by and between the Chairman and Vice Chairman.

3. The Authority hereby authorizes and directs the City Manager Officer, the County Administrator Officer, 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 Extension or as they in their discretion deem necessary or appropriate in order to carry out the intent and purposes of this Resolution.

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

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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 meeting duly called and held on January 9, 2023, 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 as of the 9th day of January 2023.

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

(SEAL)

Danville-Pittsylvania Regional Industrial Facility Authority

Executive Summary

Agenda Item No.:	Item 5E
Meeting Date:	January 9, 2023
Subject:	Financial Status Reports – December 31, 2022
From:	Michael L. Adkins, Authority Treasurer

SUMMARY

A review of the financial status reports through December 31, 2022 will be provided at the meeting. The financial status reports as of December 31, 2022 are attached for the DPRIFA Board's review.

RECOMMENDATION

Staff recommends approving the financial status reports as of December 31, 2022 as presented.

ATTACHMENTS

Financial Status Reports

Danville - Pittsylvania Regional Industrial Facility
Authority

Financial Status

Table of Contents

- A. \$7.3 Million Bonds - Cane Creek Centre
- B. General Expenditures for FY2023
- C. Mega Park – Funding Other than Bond Funds
- D. SVM at Berry Hill – Lot 4 Site Development
- E. SVM at Berry Hill – Lots 1 & 2 Site Development
- F. SVM at Berry Hill – Water & Sewer
- G. Cyber Park Site Development
- H. Rent, Interest, and Other Income Realized FY2023
- I. Monthly Checks
- J. Unaudited Financial Statements

Danville-Pittsylvania Regional Industrial Facility Authority

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

As of December 31, 2022

	<u>Funding</u>	<u>Budget / Contract Amount</u>	<u>Expenditures</u>	<u>Encumbered</u>	<u>Unexpended / Unencumbered</u>
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

⁴ 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 2023

As of December 31, 2022

	<u>Funding</u>	<u>Budget</u>	<u>FY Expenditures</u>	<u>Current Month Expenditures</u>	<u>Encumbered</u>	<u>Unexpended / Unencumbered</u>
Funding						
City Contribution	\$ 75,000.00					
County Contribution	75,000.00					
Transfer from Unrestricted Fund Balance	100,000.00					
Contingency						
Miscellaneous contingency items		\$ 6,494.16	\$ 11,258.51	\$ 3,051.62	\$ -	\$ (4,764.35)
Total Contingency Budget		6,494.16	11,258.51		-	(4,764.35)
Legal		115,100.00	64,169.98	64,169.98	-	50,930.02
Accounting		23,800.00	-		-	23,800.00
Marketing		96,505.84	96,505.84	-	-	-
Postage & Shipping		100.00	53.23		-	46.77
Meals		4,000.00	1,695.48	788.46	-	2,304.52
Utilities		1,000.00	862.39	185.03	-	137.61
Insurance		3,000.00			-	3,000.00
Total	\$ 250,000.00	\$ 250,000.00	\$ 174,545.43	\$ 65,143.47	\$ -	\$ 75,454.57

Danville-Pittsylvania Regional Industrial Facility Authority
Southern Virginia Megasite at Berry Hill - Funding Other than Bond Funds
As of December 31, 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 Berry Hill Industrial Park - Phase II Land and Engineering	2,700,000.00				
TIC #2264 Berry Hill Industrial Park - Phase II Land and Engineering deobligated	(699,873.73)				
TIC #2264 Local Match for Property & Improvements (County)	500,000.00				
TIC #2264 Local Match for Property & Improvements (City)	500,000.00				
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"	322,140.86				
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	-	
ROW purchase for connector road		832,300.25	832,300.25	-	
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	602,980.00	57,600.00	
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	-	
Transcontinental (Williams Transco)		40,000.00	40,000.00	-	
Transfer available funds to "Berry Hill Mega Park - Lot 4 Site Development" Project ⁸		-	11,203.15	-	
Total	\$ 22,631,295.10	\$ 22,371,737.83	\$ 22,311,167.12	\$ 60,570.71	\$ 259,557.27

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 Commission 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 - Lot 4 Site Development
As of December 31, 2022**

	<u>Funding</u>	<u>Budget / Contract Amount</u>	<u>Expenditures</u>	<u>Encumbered</u>	<u>Unexpended / Unencumbered</u>
Funding					
Tobacco Commission FY12 Megasite Allocation	\$ 6,208,153.00				
Local Match for TIC FY12 Megasite Allocation - County Portion ¹	750,000.00				
Local Match for TIC FY12 Megasite Allocation - City Portion ¹	750,000.00				
Local Match for TIC FY12 Megasite Allocation - RIFA Portion ²	181,000.00				
Transfer in from "Mega Park - Funding Other than Bond Funds" Budget ³	11,203.15				
Transfer to Other Income - Unrestricted Funds	152,170.40				
Transfer from SVM Berry Hill Lots 1 & 2	138,000.00				
Expenditures					
Dewberry Engineers Inc.		1,707,562.81	1,707,562.81	-	
Jones Lang LaSalle		95,000.00	95,000.00	-	
Jones Lang LaSalle - Economic Analysis		12,000.00	12,000.00	-	
VA Water Protection Permit Fee		57,840.00	57,840.00	-	
Wetlands Studies and Solutions, Inc.		77,027.64	77,027.64	-	
Banister Bend Farm, LLC - Wetland and Stream Credits		122,968.00	122,968.00	-	
DEQ - Construction Activity General Permit		11,860.00	11,860.00	-	
Haymes Brothers, Inc. - Construction on Phase 1 Graded Pad		4,243,151.21	4,243,151.21	-	
Haymes Brothers, Inc. - Phase 1 Pad A Extension/Expansion		1,679,616.89	1,679,616.89	-	
Haymes Brothers, Inc. - Phase 1 Development		290,500.00	269,166.66	21,333.34	
Transfers to "General Expenditures Fiscal Year 2015" Contingency ³					
Jones Lang LaSalle - Market Analysis Study		(95,000.00)	(95,000.00)	-	
Jones Lang LaSalle - Economic Analysis		(12,000.00)	(12,000.00)	-	
Total	\$ 8,190,526.55	\$ 8,190,526.55	\$ 8,169,193.21	\$ 21,333.34	\$ (0.00)

¹ \$300,000 of this was received from each locality 6-2014. \$450,000 received 8-2014. \$450,000 received 9-2014.

² The RIFA Board approved on 2/11/2013 to transfer the remaining funds of \$175,316.17 from the "Funds Available for Appropriation" budget sheet and funds of \$5,683.83 from the "Rent, Interest, and Other Income Realized" budget sheet to use for the RIFA local match to Tobacco Commission grant #2491 for Berry Hill Mega Park Lot 4 Site Development.

³ As approved by RIFA Board on 10/16/2014 (\$108,603.35 of expenditures for Dewberry Engineers, Inc. was also transferred from remaining unexpended and unencumbered costs under Amendment #4)

Danville-Pittsylvania Regional Industrial Facility Authority
Southern Virginia Megasite at Berry Hill - Lots 1&2 Site Development
As of December 31, 2022

	<u>Funding</u>	<u>Budget / Contract Amount</u>	<u>Expenditures</u>	<u>Encumbered</u>	<u>Unexpended / Unencumbered</u>
Funding					
TIC #3358 Berry Hill Industrial Park - Site Improvements for Project Lignum	\$ 2,292,856.56				
TIC #3358 Local Match (County)	970,707.92				
TIC #3358 Local Match (City)	970,707.92				
VBRSP Site Development Grant from VEDP	1,312,400.00				
VBRSP Site Development Grant from VEDP (City)	216,546.00				
VBRSP Site Development Grant from VEDP (County)	216,546.00				
Transfers to/from other funding sheets	(1,753,632.10)				
Expenditures					
Dewberry Engineers Inc.		418,676.00	338,290.00	80,386.00	
Virginia Nutrient Bank		84,420.00	84,420.00	-	
Jimmy R. Lynch & Sons, Inc.		3,716,936.30	1,162,782.41	2,554,153.89	
Treasurer of Virginia		6,100.00	6,100.00	-	
Total	\$ 4,226,132.30	\$ 4,226,132.30	\$ 1,591,592.41	\$ 2,634,539.89	\$ -

Danville-Pittsylvania Regional Industrial Facility Authority

Southern Virginia Megasite at Berry Hill - Water & Sewer

As of December 31, 2022

	<u>Funding</u>	<u>Budget / Contract Amount</u>	<u>Expenditures</u>	<u>Encumbered</u>	<u>Unexpended / Unencumbered</u>
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	1,021,345.00	822,195.00	
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	\$ 10,250,006.64	\$ 954,135.00	\$ 465,087.00

Danville-Pittsylvania Regional Industrial Facility Authority

Cyber Park Site Development

As of December 31, 2022

	<u>Funding</u>	<u>Budget / Contract Amount</u>	<u>Expenditures</u>	<u>Encumbered</u>	<u>Unexpended / Unencumbered</u>
<i>Funding</i>					
MEP TROF Loan	\$ 270,000.00				
Transfer from Other Income	132,090.00				
Transfer from SVM at BH Lots 1& 2	1,988,100.25				
 <i>Expenditures</i>					
Dewberry Engineers Inc.		94,250.00	71,850.00	22,400.00	
Making Everything Possible LLC (Incentives)		270,000.00	270,000.00	-	
Virginia Nutrient Bank		37,840.00	37,840.00	-	
Sellers Brothers		1,988,100.25	993,993.64	994,106.61	
<i>Total</i>	\$ 2,390,190.25	\$ 2,390,190.25	\$ 1,373,683.64	\$ 1,016,506.61	\$ -

Danville-Pittsylvania Regional Industrial Facility Authority

Rent, Interest, and Other Income Realized for Fiscal Year 2023

As of December 31, 2022

<i>Source of Funds</i>	Funding				
	<u>Carryforward from FY2022</u>	<u>Receipts Current Month</u>	<u>Receipts FY2023</u>	<u>Expenditures FY2023</u>	<u>Unexpended / Unencumbered</u>
<u>Carryforward</u>	\$ 747,607.08				
<u>Current Lessees</u>					
Institute for Advanced Learning and Research (IALR) ¹		\$ 21,846.50	\$ 131,079.00		
Capital Outdoor, Inc.			2,000.00		
American Electric Power		1,500.00	10,500.00		
<i>Total Rent</i>		\$ 23,346.50	\$ 143,579.00		
<u>Interest Received</u> ²		\$ 144.70	\$ 590.41		
<u>Miscellaneous Income</u>		\$ 232,249.54	\$ 1,494,696.36		
Expenditures					
Hawkins Research Bldg. Property Mgmt. Fee				\$ 109,232.50	
Incentive Disbursements to MEP LLC				\$ 1,427.63	
Transfers to other funding sheets				\$ 624,968.15	
Totals	\$ 747,607.08	\$ 255,740.74	\$ 1,638,865.77	\$ 735,628.28	\$ 1,650,844.57
				Restricted ¹	\$ 334,673.20
				Unrestricted	\$ 617,806.23
				Committed	\$ 698,365.14

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
December 2022

Check Number	Date	Vendor Name	Paid Amount
WIRE	12/08/2022	City of Danville	73.84
WIRE	12/08/2022	City of Danville	75.19
2529	12/12/2022	Sellers Brothers, Inc.	3,051.62
2530	12/12/2022	Sellers Brothers, Inc.	201,153.00
2531	12/12/2022	Dewberry Engineers Inc.	14,125.00
2532	12/12/2022	VOID	-
2533	12/12/2022	IALR	21,846.50
2534	12/13/2022	IALR	788.46
2535	12/12/2022	Jimmy R. Lynch and Sons, Inc	73,815.00
2536	12/12/2022	Christian & Barton, LLP	64,169.98
WIRE	12/22/2022	City of Danville	36.00

Danville-Pittsylvania Regional Industrial Facility Authority
Statement of Net Position^{1, 2}
December 31, 2022*

	Unaudited FY 2023
Assets	
<u>Current assets</u>	
Cash - checking	\$ 3,187,631
Cash - money market	457,412
Accounts receivable	756,013
<i>Total current assets</i>	<u>4,401,056</u>
<u>Noncurrent assets</u>	
Restricted cash - project fund CCC bonds	20,802
Restricted cash - debt service fund CCC bonds	533,774
Capital assets not being depreciated	23,180,794
Capital assets being depreciated, net	20,931,413
Construction in progress	28,968,146
<i>Total noncurrent assets</i>	<u>73,634,929</u>
Total assets	<u>78,035,985</u>
Liabilities	
<u>Current liabilities</u>	
Retainage payable	16,161
Accrued interest	90,989
Accounts payable	1,015,933
Economic development payable - current portion	147,000
Bonds payable - current portion	490,000
<i>Total current liabilities</i>	<u>1,760,083</u>
<u>Noncurrent liabilities</u>	
Bonds payable - less current portion	720,000
Loans payable - less current portion	4,500,000
<i>Total noncurrent liabilities</i>	<u>5,220,000</u>
Total liabilities	<u>6,980,083</u>
Net Position	
Net investment in capital assets	71,891,155
Restricted - debt reserves	533,774
Unrestricted	<u>(1,369,027)</u>
Total net position	<u>\$ 71,055,902</u>

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.

Danville-Pittsylvania Regional Industrial Facility Authority
Statement of Revenues and Expenses and Changes in Fund Net Position
December 31, 2022*

	Unaudited FY 2023
Operating revenues	
Virginia Tobacco Commission Grants	1,341,586
Rental income	167,437
Other Income	396,042
Total operating revenues	<u>1,905,065</u>
Operating expenses ⁴	
Mega Park expenses ³	1,692,949
Cane Creek Centre expenses ³	25,162
Cyber Park expenses ³	1,183,774
Professional fees	58,560
Other operating expenses	8,203
Total operating expenses	<u>2,968,648</u>
Operating income (loss)	<u>(1,063,583)</u>
Non-operating revenues (expenses)	
Interest income	590
Interest expense	(34,016)
Total non-operating expenses, net	<u>(33,426)</u>
Net income (loss) before capital contributions	<u>(1,097,009)</u>
Capital contributions	
Contribution - City of Danville	1,841,467
Contribution - Pittsylvania County	1,807,152
Total capital contributions	<u>3,648,619</u>
Change in net position	<u>2,551,610</u>
Net position at July 1, 2022	<u>68,504,292</u>
Net position at December 31, 2022	<u><u>\$ 71,055,902</u></u>

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.

5 Please note this statement will change once all FY2022 entries are made and may also change depending on audit adjustments, if any, for FY2022 and the nature of those audit adjustments.

Danville-Pittsylvania Regional Industrial Facility Authority
Statement of Cash Flows
December 31, 2022*

	Unaudited FY 2023
Operating activities	
Receipts from grant reimbursement requests	\$ 1,341,586
Receipts from leases	164,046
Other receipts	396,041
Payments to suppliers for goods and services	(3,232,079)
Net cash used by operating activities	(1,330,406)
Capital and related financing activities	
Capital contributions	3,648,622
Net cash provided by capital and related financing activities	3,648,622
Investing activities	
Interest received	590
Net cash provided by investing activities	590
Net increase (decrease) in cash and cash equivalents	2,318,806
Cash and cash equivalents - beginning of year (including restricted cash)	1,880,813
Cash and cash equivalents - through December 31, 2022 (including restricted cash)	\$ 4,199,619
Reconciliation of operating loss before capital contributions to net cash used by operating activities:	
Operating income (loss)	\$ (1,063,583)
Changes in assets and liabilities:	
Change in prepaids	2,809
Change in unearned income	(269,632)
Net cash used by operating activities	\$ (1,330,406)

Components of cash and cash equivalents at December 31, 2022:	
American National - Checking	\$ 3,187,631
American National - General money market	457,412
Wells Fargo - \$7.3M Bonds CCC Debt service fund	533,774
Wells Fargo - \$7.3M Bonds CCC Project fund	20,802
	\$ 4,199,619

Danville-Pittsylvania Regional Industrial Facility Authority

Executive Summary

Agenda Item No.: Item 6

Meeting Date: 01/09/2023

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 7A
Meeting Date: 01/09/2023
Subject: Communications
From: Chairman

Communications:

- A. Authority Board Members
- B. Staff