

Danville-Pittsylvania Regional Industrial Facility Authority

**CITY OF DANVILLE, VIRGINIA
COUNTY OF PITTSYLVANIA, VIRGINIA**

AGENDA

TUESDAY, OCTOBER 12, 2010

12:00 NOON

**DAN RIVER BUSINESS DEVELOPMENT CENTER CONFERENCE ROOM
300 RINGGOLD INDUSTRIAL PARKWAY**

COUNTY OF PITTSYLVANIA MEMBERS

**COY E. HARVILLE, VICE CHAIRMAN
HENRY A. "HANK" DAVIS, JR.
FRED M. INGRAM, ALTERNATE**

CITY OF DANVILLE MEMBERS

**SHERMAN M. SAUNDERS, CHAIRMAN
T. DAVID LUTHER
FRED O. SHANKS, III, ALTERNATE**

STAFF

**JOSEPH C. KING, CITY MANAGER, DANVILLE
WILLIAM D. SLEEPER, PITTSYLVANIA COUNTY ADMINISTRATOR
CLEMENT & WHEATLEY, ATTORNEY FOR AUTHORITY
ANNETTE Y. CRANE, AUTHORITY SECRETARY
BARBARA A. DAMERON, AUTHORITY TREASURER**

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

OCTOBER 12, 2010

PAGE 2 OF 4

1. MEETING CALLED TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT PERIOD

CITIZENS WHO DESIRE TO SPEAK ON AN AGENDA ITEM WILL BE HEARD AT THIS TIME. PLEASE NOTE THE PUBLIC COMMENT PERIOD INCLUDES A THREE-MINUTE TIME RESTRICTION FOR COMMENTS.

4. APPROVAL OF MINUTES (SEPTEMBER 13, 2010 REGULAR MEETING)

5. DISCUSSION OF NAMING THE BERRY HILL SITE “THE VIRGINIA NORTH CAROLINA MEGA SITE”.

6. CONSIDERATION TO APPROVE THE TRANSFER OF UNEXPENDED FUNDS FROM THE DANVILLE REGIONAL FOUNDATION – BUILD OUT OF THE RESEARCH FACILITY BUDGET TO THE GENERAL EXPENDITURES BUDGET.

7. CONSIDERATION OF A RESOLUTION APPROVING AND SUPPORTING A CERTAIN AMENDMENT TO THE CONTRACT, DATED JANUARY 2, 2002, BY AND BETWEEN THE CITY OF DANVILLE, VIRGINIA AND DEWBERRY & DAVIS, INC., PERTAINING TO A PROPOSAL FOR CONSTRUCTION ADMINISTRATION AND TESTING FOR THE PAD GRADING AND FURTHER DEVELOPMENT OF THE CANE CREEK CENTRE.

8. FINANCIAL REPORT

9. CLOSED MEETING –

•AS PERMITTED BY SECTION 2.2-3711(A)(7) OF THE CODE OF VIRGINIA, 1950 AS AMENDED, FOR CONSULTATION WITH AND BRIEFING BY LEGAL COUNSEL PERTAINING TO ACTUAL LITIGATION REGARDING *NANCY BARBOUR SMITH, ET AL. V. PITTSYLVANIA COUNTY BOARD OF SUPERVISORS* (CASE NO. CL1000088-00), WHERE SUCH CONSULTATION OR BRIEFING IN OPEN MEETING WOULD ADVERSELY AFFECT THE NEGOTIATING OR LITIGATING POSTURE OF THE AUTHORITY.

•AS PERMITTED BY SECTION 2.2-3711(A)(5) OF THE CODE OF VIRGINIA, 1950 AS AMENDED, FOR DISCUSSION CONCERNING A PROSPECTIVE BUSINESS OR INDUSTRY WHERE NO PREVIOUS ANNOUNCEMENT HAS BEEN MADE OF THE BUSINESS' OR INDUSTRY'S INTEREST IN LOCATING OR EXPANDING ITS FACILITIES ON OR ABOUT THAT CERTAIN REAL PROPERTY OWNED BY THE AUTHORITY, COMMONLY KNOWN AS THE "MEGA PARK".

- A. MOTION TO CONVENE IN CLOSED MEETING
- B. MOTION TO RECONVENE IN OPEN MEETING
- C. MOTION TO CERTIFY CLOSED MEETING

10. ACTION ON MATTERS CONSIDERED IN CLOSED MEETING

•CONSIDERATION TO ADOPT A RESOLUTION ON ACTION TAKEN IN CLOSED MEETING REGARDING NANCY BARBOUR SMITH, ET AL. V. PITTSYLVANIA COUNTY BOARD OF SUPERVISORS (CASE No. CL10000088-00).

•CONSIDERATION TO ADOPT A RESOLUTION ON ACTION TAKEN IN CLOSED MEETING REGARDING DISCUSSION CONCERNING A PROSPECTIVE BUSINESS OR INDUSTRY WHERE NO PREVIOUS ANNOUNCEMENT HAS BEEN MADE OF THE BUSINESS' OR INDUSTRY'S INTEREST IN LOCATING OR EXPANDING ITS FACILITIES ON OR ABOUT THAT CERTAIN REAL PROPERTY OWNED BY THE AUTHORITY, COMMONLY KNOWN AS THE "MEGA PARK".

11. COMMUNICATIONS FROM:

HENRY A. "HANK" DAVIS, JR.
COY E. HARVILLE
FRED M. INGRAM
T. DAVID LUTHER
SHERMAN M. SAUNDERS
FRED O. SHANKS, III
STAFF

12. ADJOURN

AGENDA
ITEM NUMBER 4

Danville-Pittsylvania Regional Industrial Facility Authority
Minutes
September 13, 2010

The Regular Meeting of the Danville Pittsylvania Regional Industrial Facility Authority convened at 12 o'clock Noon on the above date at the Dan River Business Development Center located at 300 Ringgold Industrial Parkway. Present were City of Danville Members Chairman Sherman Saunders, Alternate Fred Shanks and Pittsylvania County Members Vice-Chairman Coy Harville and Hank Davis. Danville Member David Luther and County Alternate Fred Ingram were absent.

City/County staff members attending were: Danville City Manager Joe King, Pittsylvania County Administrator Dan Sleeper, Pittsylvania County Assistant Administrator Otis Hawker, Pittsylvania County Assistant Administrator for Planning Greg Sides, Danville Finance Director/Authority Treasurer Barbara Dameron, Pittsylvania County Finance Director Kim Van der Hyde, Danville Senior Accountant Patricia Knutti, Danville Economic Development Director Jeremy Stratton, Danville Economic Development Project Manager Anne Moore-Sparks, Danville City Attorney Clarke Whitfield, Clement and Wheatley Attorneys Michael Guanzon and Glenn Pulley, and Secretary to the Authority Annette Crane.

Pittsylvania County Board of Supervisors Member James Snead, Dewberry and Davis Project Manager Shawn Harden and Nancy Barbour Smith were also in attendance.

Mr. Saunders called the Meeting to order.

Upon **Motion** by Mr. Shanks and second by Mr. Harville, Agenda Item #10, 4th bulleted item "As permitted by Section 2.2-3711 (A) (40) of the Code of Virginia, 1950, as amended, and under Agenda Item #11, 4th bulleted item "Consideration to adopt a Resolution on action taken in Closed Meeting regarding discussion concerning records excluded from Chapter 37 of Title 2.2 of the Code of Virginia, 1950, as amended, was removed from the Meeting Agenda by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Saunders, and Shanks (4)
NAY: None (0).

PUBLIC COMMENT PERIOD

No one spoke during the public comment period.

APPOINTMENT OF A SECRETARY AND A TREASURER

Mr. Shanks **moved** appointment of Annette Y. Crane as Authority Secretary and Barbara A. Dameron as Authority Treasurer. The Motion was seconded by Mr. Harville and carried by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Saunders, and Shanks (4)
NAY: None (0).

Danville-Pittsylvania Regional Industrial Facility Authority
Minutes
September 13, 2010

Clerk's Note: The following Memorandum is attached to and made a part of the Official Minutes of the September 13, 2010 Authority Meeting:

MEMORANDUM

TO: Danville-Pittsylvania Regional Industrial Facility Authority Board of Directors
FROM: Annette Y. Crane, Clerk to the Authority
DATE: September 7, 2010
RE: Amendments to November 17, 2008 RIFA Minutes

The adopted Minutes of the November 17, 2008 Regional Authority Meeting did not reflect the Board's consideration and adoption of a Resolution authorizing the issuance of \$13,000,000 in Bond Anticipation Notes.

During a review of my handwritten notes taken during that meeting, I discovered that the Resolution had indeed been considered and adopted by the Board. My notes indicate the following:

1. Motion to go into Closed Meeting for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation as permitted by Subsection (A) (7) of Section 2.2-3711 of the Code of Virginia, 1950, as amended, by Mr. Harville and second by Mr. Snead.
2. Motion to return to open meeting by Mr. Harville and second by Mr. Snead.
3. Motion for Certification Resolution by Mr. Harville and second by Mr. Luther.

These items were reflected in the adopted Minutes.

My notes further indicate that following presentation of the Monthly Financial Report, a Motion to adopt a Resolution authorizing issuance of \$13,000,000 in Bond Anticipation Notes was made by Mr. Harville and was seconded by Mr. Luther. This Resolution was adopted unanimously by the Directors.

This action was inadvertently omitted from the Minutes.

Attached are the amended Minutes of the November 17, 2008 RIFA Board Meeting for your consideration.

I apologize for this omission.

s/Annette Y. Crane

APPROVAL OF NOVEMBER 17, 2008 AMENDED MINUTES

Upon **Motion** by Mr. Harville and second by Mr. Davis, Minutes of the November 17, 2008 meeting were approved, as amended, by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Saunders, and Shanks (4)

Danville-Pittsylvania Regional Industrial Facility Authority
Minutes
September 13, 2010

NAY: None (0).

APPROVAL OF AUGUST 9, 2010 MINUTES

Upon **Motion** by Mr. Davis and second by Mr. Harville, Minutes of the August 9, 2010 meeting were approved by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Saunders, and Shanks (4)
NAY: None (0).

Draft copies of the Minutes were distributed to Authority Members prior to the meeting.

APPROVE 240-MONTH GROUND LEASE WITH INSTITUTE-CONSTRUCT SUSTAINABLE ENERGY TECHNOLOGY CENTER BUILDING

Mr. Harville **moved to** approve the execution of a 240-month Ground Lease and Option to the Institute for Advanced Learning and Research (IALR) for a portion of Tax Parcel 78360, upon which IALR shall cause the construction of the Sustainable Energy Technology Center Building. The Motion was seconded by Davis and carried by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Saunders, and Shanks (4)
NAY: None (0).

RESOLUTION OF SUPPORT FOR MEGA INDUSTRIAL SITE ENTERPRISE ZONE

Mr. Harville **moved** adoption of a Resolution supporting the submission of an application to the Virginia Department of Housing and Community Development for an Enterprise Zone Designation for the Mega Park property, located in Pittsylvania County and owned by the Danville-Pittsylvania Regional Industrial Facility Authority. The Motion was seconded by Mr. Shanks and carried by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Saunders, and Shanks (4)
NAY: None (0).

MONTHLY FINANCIAL REPORT

Mr. Davis **moved** acceptance of the Monthly Financial Report as presented. The Motion was seconded by Mr. Harville and carried by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Saunders, and Shanks (4)
NAY: None (0).

Danville-Pittsylvania Regional Industrial Facility Authority
Minutes
September 13, 2010

CLOSED MEETING

At 12:31 P.M., Mr. Saunders recognized Mr. Davis who **moved** the meeting be recessed and the Authority immediately convene in Closed Meeting as permitted by Section 2.2-3711 (A) (7) of the Code of Virginia, 1950, as amended, for consultation with and briefing by legal counsel pertaining to actual litigation regarding *Nancy Barbour Smith, et al, v. Pittsylvania County Board of Supervisors* (Case No. CL10000088-00), where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Authority; and, as permitted by Section 2.2-3711 (A) (3) and 2.2-3711 (A) (5) of the Code of Virginia, 1950, as amended, for discussion or consideration of the disposition of an interest in the Cane Creek Centre, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Authority and for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the Cane Creek Centre; and, as permitted by Section 2.2-3711 (A) (5) of the Code of Virginia, 1950, as amended, for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities on or about real property owned or leased by IALR. The Motion was seconded by Mr. Harville and carried by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Saunders, and Shanks (4)
NAY: None (0).

Upon unanimous vote at 1:00 P.M., the Authority returned to open meeting and Mr. Davis **moved** 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 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. Harville and carried by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Saunders, and Shanks (4)
NAY: None (0).

Danville-Pittsylvania Regional Industrial Facility Authority
Minutes
September 13, 2010

APPROVE RESOLUTION AUTHORIZING PERFORMANCE AGREEMENT

Mr. Davis **moved** adoption of a Resolution of the Danville-Pittsylvania County Regional Industrial Facility Authority authorizing a Performance Agreement with an unnamed corporation. The Motion was seconded by Mr. Harville and carried by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Saunders, and Shanks (4)
NAY: None (0).

COMMUNICATIONS

Mr. Guanzon distributed a handout to Authority Members and staff containing excerpts from "Access to Public Meetings under the Virginia Freedom of Information Act," Virginia Freedom of Information Advisory Council." He said this would assist with understanding about open meetings.

Mr. King asked for clarification about the number of people that would constitute a quorum, specifically related to the RIFA Board. Mr. Guanzon advised since there are four (4) members on the RIFA Board, two from Danville and two from Pittsylvania County, three (3) members would constitute a quorum. Two (2) members would not, therefore, two members consulting about an agenda item would be within the law.

Mr. Sleeper recalled that when Yorktowne located in Cane Creek Centre, there was major discussion about a buffer zone around the facility. Mr. Sleeper said that for a number of years, the County has been urging Yorktowne to place trees or other vegetation around the buffer zone and they have not done so. Mr. Sleeper said that most likely during the next meeting, citizens would be present to learn what the Authority plans to do to remedy the situation. Following Yorktowne's location there, citizens had complained about the noise coming from the Yorktowne area. They had been told at that time that some type of buffering would be planted in order to alleviate the noise levels.

In response to Mr. Shanks, Mr. Snead advised the Job for Citizens group would be meeting tonight (Monday) at 7:00 p.m. in the Ringgold Fire Department facility located on Tom Fork Road.

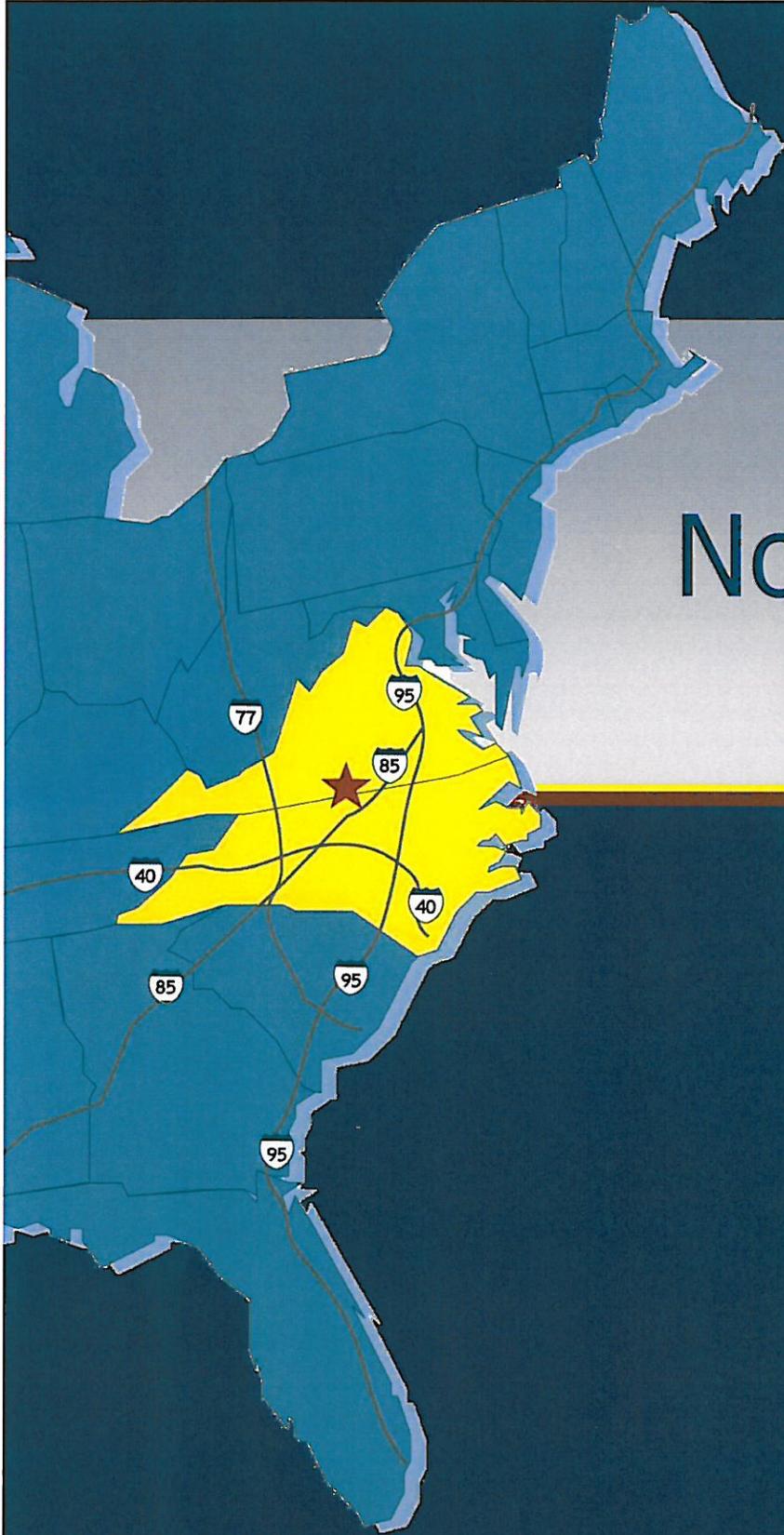
The Meeting adjourned at 1:10 P.M.

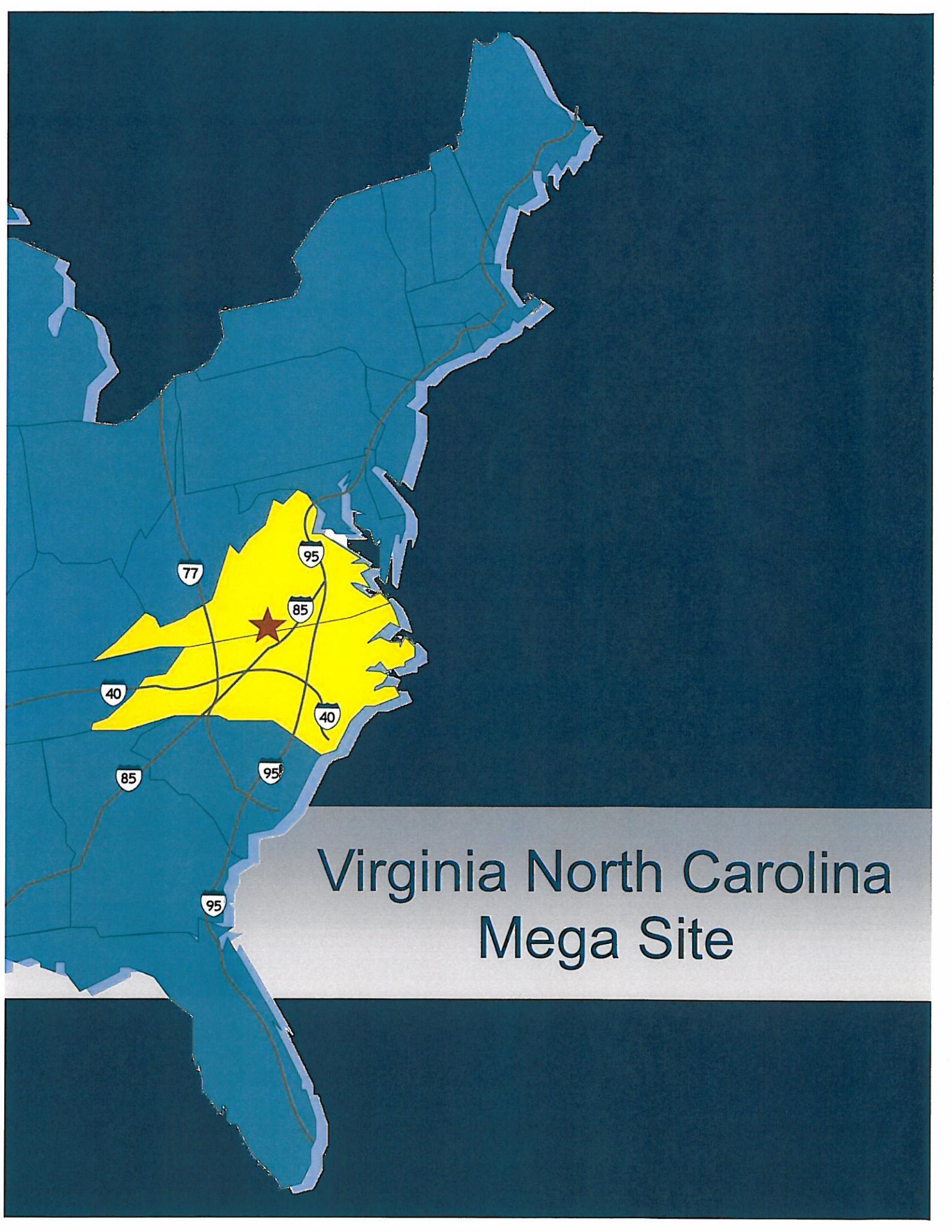
Chairman

Secretary to the Authority

AGENDA
ITEM NUMBER 5

Virginia North Carolina Mega Site





Virginia North Carolina
Mega Site



September 17, 2010

Danville/Pittsylvania County Megasite Name Discussion

DANVILLE EDC SUGGESTED POTENTIAL NAMES:

1. Southeastern United States Industrial Center
2. Duck Creek Multinational Business Center
3. Mid-Atlantic Industrial Center
4. The Commons – Regional Business Park
5. The Commons – At Berry Hill
6. The Province – At Berry Hill
7. Mid-Atlantic Business Park
8. Mid-Atlantic International Business Park at Berry Hill
9. Mid-Atlantic International Business Park
10. Southern-Atlantic Commerce Park
11. Southern-Atlantic Commerce Park at Berry Hill
12. Southern-Atlantic International Business Park
13. Southern-Atlantic International Business Park at Berry Hill
14. Carolina-Virginia Industrial Park
15. Carolina-Virginia Industrial Park at Berry Hill
16. Berry Hill Mega Park
17. Southern Dominion International Business Park
18. Piedmont International Business Park
19. Piedmont International Business Park at Berry Hill
20. Mid-Atlantic Triangle Business Park
21. Mid-Atlantic Triangle Business Park at Berry Hill
22. Mid-Atlantic Business Centre
23. Piedmont Industrial Centre
24. Piedmont Regional Industrial Centre
25. Regional Industrial Park
26. Mid-Atlantic Regional Industrial Centre
27. Mid-Atlantic Regional Business Centre
28. Research Triangle Park North
29. Greene's Landing
30. Greene View Industrial Park
31. Greene's Crossing
32. Perkins Industrial Park

MARKET FORCE SUGGESTED POTENTIAL NAMES:

One thing we would consider adding is the term Mega-Site. Otherwise it will just be one of a zillion regular sized industrial parks/centers out there. Mid-Atlantic is pretty generic and, therefore, not memorable, particularly since the one in Emporia is the Mid-Atlantic Advanced Manufacturing Center. Also there is the Mid Atlantic Industrial Center in Nash County, NC. According to an article, McCallum Sweeney worked on the one in Emporia too.

Since you're the first non-private mega-site in VA, it seems like a good idea to claim the word "Virginia." That automatically locates you in the "Mid Atlantic" without saying it, and implies you represent the state in mega-sites. No matter who else develops one, you'll sound like the one and only.

Virginia's Mega-Site

The Virginia Mega-Site

Virginia's Industrial Mega-Site

The Virginia Industrial Mega-Site

If you feel the need to tie into NC, then you could add it:
The Virginia/North Carolina Mega-Site

EXISTING MEGASITE NAMES:

Southern Business & Development 3/30/2010

Ten Sites in the South that Will Eventually Land "The Big One."

Cedar Crossing, Chambers County, Tex. – 15,000 acres

West Tennessee Megasite, Haywood County, – Tenn. 3,836-acres

GTR Global Industrial Aerospace Park, Columbus, Miss. – 2,500 acres

Franklin Farm, Holly Ridge, La. – 1,440 acres

Carolina's I-77 Megasite, Chester County, S.C. – 1,438 acres

I-24 Megasite, Hopkinsville, Ky. – 2,100 acres

Tri-State Commerce Park, Tishomingo County, Miss. – 3,500 acres

I-95 Megasite, Clarendon County, S.C. – 1,440 acres

Riverport West Intermodal Park, Paducah-McCracken County, Ky. – 1,100 acres

Purchase Regional Park, Graves County, Ky. – 1,159 acres & adjoining tract 981 acres.

Super Sites 2010 – Site Selection Magazine List

(All 1,000 to 2,999 acres except for those in yellow which are larger.)

Alabama

Limestone Co. I-65/Hwy 31
Pryor I-65
Copper Station Airport site
Joe Hall Tract
Logan site
Copper Station I-65 site
Crossroads of America site
Shelby Co. Megasite
Childersburg Industrial Park
County Rd. 41/I-65
Creola Mobile River @I-65
Hwy. 20/I-65 North Site
Sewell Site
Golden Triangle
Magnolia North 15,114
Hood Harris
NE Opelika Industrial Park
Mallard Fox West
Black Creek Megasite

Arkansas

Carlisle I-40 Industrial Site
Marion Site M-1
Entergy Site 34
Saline County I-530 Site

California

Southern Calif. Logistics Airport 4,000

Colorado

Christian Ranch Industrial Park
Fruita Greenway Bus. Park

Florida

Cecil Commerce Center
Clear Springs Land Co. 7,606
Florida Tradeport
Opportunity Park
Polk Commerce Center
St. Lucie Co. Research & Education Park
Williams Property
Williston Municipal Airport & Industrial Park
Woodstock
West Bay Sector 4,000

Georgia

Shoal River Ranch 11,000
Augusta Corp. Park

Research Forest Tract
Interstate 16 Northern Tract
H&H Farms Site
Discovery Business Park
Rochelle Ind. Park & Commerce Center

Indiana

New Carlisle Dev. Area 5,295
former rocket plant site
Chinook megasite 7,000

Kansas

New business park site

Kentucky

Riverport West Intermodal Park
Lewisport - Site 091-003
Hawesville - Site 091-004
American Electric Power (AEP) Secondary Site 101-008 4,705
Glendale Site 093-005
Marshall County- Calvert City Industrial Park
Interstate 24 Industrial Park
Purchase Area Regional Industrial Park Site 083-012

Louisiana

Sullivan site
Berwick Land
Clausen Estate
Willow Bend
Franklin Farm
Glendale Hymelia Plantation
Weyerhaeuser site
Pecan Land Industrial Park
Citrus Lands site 4,660
Winchester/Acadia
Zachary Taylor Megasite

Maryland

Baltimore Crossroads @ 95
Principio Business Park

Michigan

Alpena Co. Regional Airport
Muskegon Wastewater

Mississippi

GTR Global Industrial Aerospace Park

Grenada site
Chickasaw Trail
Kewanee Industrial
Tunica Metro Megasite

Missouri

69 Hwy. & Hall Rd
BASF Megasite
Lake City Business Center/ATK 3,945
Wildwood Ranch
On-Airport Property Site #3
Mormon Church site
AP Green Megasite
Hwy. M site
1093 Acres
Rolla National Airport
Acom Route K site

Montana

Port of Montana Bus. Dev. District

Nebraska

Southern Power Energy Park

Nevada

Crossroads Commerce Center

New York

WNY STAMP (Science and Technology Adv.
Mfg. Park)

North Carolina

Hearts Delight site
Philip Morris USA Mfg. Campus
Tanglewood Megasite 5,915
Riverstone Business Park
Pine Hills Ind. Park
Verona Plantation 3,943
Laurinburg-Maxton Airport Ind. Park
Great Meadows
I-40 Exit 348 Site
Mid-Atlantic Business Center
Kingsboro Rose
Norwood Tract
Monroe site
Hertford Co. GIPH site

Ohio

Delaware Business Center

greenfield corporate park site

Oklahoma

**Spaceport Oklahoma/Clinton Sherman
Airpark 3,000**
AEP Inola Station Site
MidAmerica Industrial Park 9,000

Pennsylvania

Pittsburgh Int'l Airport - Site 10
Keystone Regional Ind. Park
Starpointe Business Park

South Carolina

Sage Mill East Industrial Park
Whetsell
Lansford (Foster Crossroads) 3,395
Carolinas I-77 Megasite
Young Lands
I-95 Megasite

Tennessee

Duck River
Clarkrange Regional Business Park
Frank C. Pidgeon Ind. Park
Morganton Peninsula
Memphis-Jackson I-40 Advantage Megasite

Texas

Intermodal/airport site
Alliance Advanced Tech. Center

Utah

Fuller Property

Virginia

White Oak Technology Park
I-77 site
Windsor Mega Site/Shirley T. Holland
Intermodal Park 2,150
Meadowville Technology Park
Mid Atlantic Advanced Manufacturing
Center 1,500
Cooke Rail Site
New River Valley Commerce Park
Orrock-Simms site

Washington

Wallula Gap Business Par

AGENDA
ITEM NUMBER 6

Danville-Pittsylvania Regional Industrial Facility Authority

427 Patton Street, Room 428
Danville, VA 24541
Telephone: 434-799-5185
Facsimile: 434-799-5041

Date: October 12, 2010

To: RIFA Board

From: Barbara Dameron

Subject: Unexpended Funds for the Build Out of the Research Facility

The Build Out of the Research Facility is complete with all of the funds being expended except for \$37.16. This amount is a portion of the interest earned on the funds while the funds were invested in a Money Market account. According to Margie Wilkinson with the Danville Regional Foundation, RIFA is not required to pay back the \$37.16. RIFA was required to spend all of the funds that were awarded, but the interest that was earned on the funds is RIFA's.

We are asking the Board to approve the transfer of the \$37.16 from the Danville Regional Foundation – Build Out of the Research Facility Budget to the General Expenditures Budget.

AGENDA
ITEM NUMBER 7



City of Danville, Virginia

JOSEPH C. KING
CITY MANAGER
E-MAIL: kingjc@ci.danville.va.us

427 PATTON STREET
P. O. BOX 3300
DANVILLE, VIRGINIA 24543

(434) 799-5100
FAX : (434) 799-6549
www.danville-va.gov

Date: October 6, 2010

To: RIFA Board

From: Joe King 

Subject: October 12th RIFA Meeting Agenda Item #7 – Approval of Dewberry & Davis Contract Amendment to Accomplish Pad Grading at the Cane Creek Centre

As the Board is aware, RIFA was recently awarded a \$2.2 million grant from the U.S. Economic Development Administration to grade two industrial lots in the Cane Creek Centre. Dewberry & Davis has performed engineering and environmental assessment work on RIFA projects under a contract first established by the City of Danville in 2002. The accompanying document outlines the scope of engineering work needed to support the site preparation project. It is recommended that the RIFA Board adopt the accompanying resolution approving the contract amendment and its joint funding by the County and City.

Attachments: Contract Amendment
Resolution

August 31, 2010

Mr. Joe King
City Manager
City of Danville
P. O. Box 3300
Danville VA 24543



**Re: Amendment to Contract Dated January 2, 2002
Proposal for Construction Administration and Testing for the Pad Grading and
Further Development of the Cane Creek Centre**

Dear Mr. King:

Dewberry is pleased to submit our proposal for Construction Administration Services to pad grade Lot 3 and Lot 9 in the Cane Creek Centre and to install 2150 LF of 8" sanitary sewer to serve the lots.

UNDERSTANDING OF THE PROJECT

Dewberry, under a separate contract amendment has prepared grading plans and sanitary sewer plans for further development of the Cane Creek Centre. The project was submitted to EDA and has received a grant to pad grade Lot 3 and Lot 9 and to install an 8" sanitary sewer to serve these lots. Lot 3 and Lot 9 are currently served with water and natural gas constructed when Cane Creek Parkway was constructed.

SCOPE OF SERVICES

Item 1 – Construction Administration Services

Dewberry will provide Construction Administration Services (CONA) for development of Lots 3 and 9 In the Cane Creek Centre and for the Installation of an 8" sanitary sewer to serve the lots. The development will consist of the following:

- Construction Bidding
- Contract Negotiation
- Construction Administration Services

A. Construction Bidding – Dewberry will provide the bidding services consisting of the following:

- Prepare bidding advertisement for the Client to place in appropriate publications
- Supply two (2) plan rooms with Plans and Specifications

- Supply twenty (20) sets of Plans and Specifications for prospective Bidders
 - Conduct a pre-bid conference for interested Contractors and Suppliers
 - Respond to Bidder's questions during the bidding process
 - Conduct one (1) public bid-opening meeting
 - Review and tabulate submitted bids
 - Review all required bonding, license, and insurance requirements
 - Make award recommendation to CLIENT
- B. Contract Negotiation – Dewberry will assist the Client in negotiating a contract with the apparent low bidder that meets all the required stipulations expressed with the Contract Documents (Specifications)
- C. Construction Administration Services – Dewberry will provide Construction Administration (CONA) Services that will include the following:
- Review Contractor agreement, bonds, insurance, etc.
 - Attend pre-construction meeting
 - Prepare and distribute meeting minutes from all construction meetings
 - Biweekly progress meetings with contractor until completion
 - Review Shop Drawings
 - Review Monthly Pay Requests
 - Review and respond to Contractor Requests for Information (RFI's)
 - Attend Substantial and Final Completion Inspection
 - Prepare project closeout documentation
 - Assist County with EDA paperwork and documentation

FEE: \$30,600.00 LUMP SUM FEE

Item 2 – Construction Testing & Inspection Services

Construction Testing & Inspection – Dewberry will subcontract with F&R for Construction Testing & Inspection Services. These services will include testing and inspections of earthwork for the underground Utilities, Pad Graded Sites and Storm Water Management installation. F&R will be onsite as needed to perform required testing and inspections in general accordance with the Project documents. F&R will collect and test bulk soil samples and aggregate base material samples for the determination of soil compaction properties. Dewberry has assumed the typical work week will be up to 55 hours per week and a 180 calendar day total construction schedule (~ 26 weeks) of which approximately 130 calendar days (~19 weeks) will require F&R testing services.

FEE: \$81,000.00 LUMP SUM FEE

Mr. Joe King
Page 3
August 31, 2010

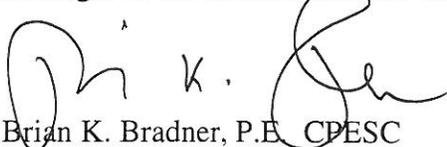
We are prepared to begin work on this important project for the County and City upon your authorization.

Sincerely,

Dewberry & Davis Inc.



Shawn R. Harden, P.E.
Manager of Civil/Economic Development



Brian K. Bradner, P.E. CPESC
Associate Vice President
Office Manager

SRH/srh/vnl

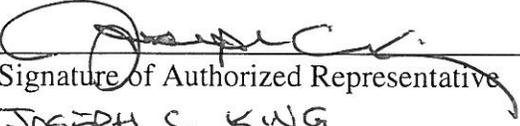
cc: William D. Sleeper, Pittsylvania County

R:\Proposal Letters\Engineering\2010.08.31Cane Creek Graded Pad CONA.doc

The foregoing proposal of Dewberry & Davis, Inc. is accepted:

JOSEPH C. KING, CITY OF DANVILLE ON BEHALF OF RIFA

Print (Type) Individual, Firm, or Corporate Name

 9/24/10
Signature of Authorized Representative Date

JOSEPH C. KING
CITY MANAGER
Print (Type) Name of Authorized Representative and Title



**RESOLUTION OF THE DANVILLE-PITTSYLVANIA
REGIONAL INDUSTRIAL FACILITY 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 City of Danville, Virginia, a political subdivision of the Commonwealth of Virginia (the "City"), and Dewberry & Davis, Inc. ("Dewberry") have entered into that certain Amendment to Contract Dated January 2, 2002, Proposal for Construction Administration and Testing for the Pad Grading and Further Development of the Cane Creek Centre (the "Amended Contract"); and

WHEREAS, the City and the County of Pittsylvania, Virginia, a political subdivision of the Commonwealth of Virginia (the "County"), entered into that certain Regional Industrial Facility Authority Agreement for Cost Sharing and Revenue Sharing, dated October 2, 2001 and amended November 6, 2008 (the "Cost and Revenue Agreement"), by which the City and the County agreed to each pay one-half (1/2) of the cost of development and construction of the Cane Creek Centre; and

WHEREAS, the Authority is the owner of record of the real estate comprising Cane Creek Centre; and

WHEREAS, the Authority has reviewed the terms of the Amended Contract.

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

1. The Authority hereby approves the terms of the Amended Contract and supports the performance of the Amended Contract by the City and Dewberry at the joint cost of the City and the County pursuant to the Cost and Revenue Agreement.
2. The Authority shall take any steps necessary in order to facilitate the performance of the Amended Contract by the City and Dewberry at the joint cost of the City and the County pursuant to the Cost and Revenue Agreement.

[CERTIFICATE ON FOLLOWING PAGE]

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 October 12, 2010, 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 ____ day of _____, 2010.

Secretary, Danville-Pittsylvania Regional Industrial
Facility Authority

AGENDA
ITEM NUMBER 8

**Danville - Pittsylvania Regional Industrial Facility
Authority**

Financial Status

Table of Contents

- A. \$7.3 Million Bonds
 - B. General Expenditures for FY 2011
 - C. Mega Park
 - D. Build out of the Research Facility – Danville Regional Foundation
 - E. Yorktowne Reimbursement
-

Danville-Pittsylvania Regional Industrial Facility Authority

\$7.3 million Bonds for Cane Creek Centre - Issued in August 2005

As of September 30, 2010

<i>Funding</i>	<u>Funding</u>	<u>Budget / Contract Amount</u>	<u>Expenditures</u>	<u>Encumbered</u>	<u>Unexpended / Unencumbered</u>
Funds from bond issuance	\$ 7,300,000.00				
Issuance cost	(155,401.33)				
Bank fees	(98.25)				
Interest earned to date	484,681.47				
Cane Creek Parkway		\$ 3,423,296.09	\$ 3,342,961.25	\$ 80,334.84	
Swedwood Drive ²		69,414.00	69,414.00	-	
Cane Creek Centre entrance ³		72,335.00	53,878.70	-	
Financial Advisory Services		7,600.00	7,600.00	-	
Dewberry contracts ¹		69,582.50	69,582.50	-	
Dewberry contracts not paid by 1.7 grant ⁴		142,740.61	4,485.00	138,255.61	
Land			2,560,921.67	-	
Demolition services			33,761.62	-	
Legal fees			47,249.23	-	
Other expenditures			9,689.70	-	
Total	\$ 7,629,181.89	\$ 3,784,968.20	\$ 6,199,543.67	\$ 218,590.45	<u><u>\$ 1,211,047.77</u></u>

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.

<u>Road Summary-Cane Creek Parkway:</u>	
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

<u>Funding Summary - Cane Creek Parkway</u>	
VDOT	\$ 1,848,619.91
Bonds	3,423,296.09
	\$ 5,271,916.00

Danville-Pittsylvania Regional Industrial Facility Authority
 General Expenditures for Fiscal Year 2011
 As of September 30, 2010

	<u>Funding</u>	<u>Budget</u>	<u>Expenditures</u>	<u>Encumbered</u>	<u>Unexpended / Unencumbered</u>
Funding					
City	\$ 20,000.00				
County	20,000.00				
Carry forward from FY10	79,533.66				
Contingency					
Bank Fees		\$ -	\$ 4,071.25	\$ -	\$ -
Berry Hill Project		-	-	-	-
Angler's Park Wetland Mitigation		-	-	-	-
Total Contingency Budget		27,400.00	4,071.25	-	23,328.75
Legal		40,000.00	8,676.24	-	31,323.76
Accounting		18,000.00	4,000.00	-	14,000.00
Postage & Shipping		100.00	-	-	100.00
Meals		2,500.00	398.54	-	2,101.46
Utilities		10,000.00	614.49	-	9,385.51
Insurance		7,000.00	-	-	7,000.00
Total	\$ 119,533.66	\$ 105,000.00	\$ 17,760.52	\$ -	<u>\$ 101,773.14</u>

Danville-Pittsylvania Regional Industrial Facility Authority

Mega Park

As of September 30, 2010

<u>Funding</u>	<u>Funding</u>	<u>Budget / Contract</u> <u>Amount</u>	<u>Expenditures</u>	<u>Encumbered</u>	<u>Unexpended /</u> <u>Unencumbered</u>
City contribution	\$ 134,482.50				
County contribution	134,482.50				
City advance for Klutz, Canter, & Shoffner property ¹	10,340,983.83				
Tobacco Commission FY09 SSED Allocation	3,370,726.00				
Tobacco Commission FY10 SSED Allocation - Engineering Portion	407,725.00				
 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	-	
 Other					
Dewberry & Davis		28,965.00	28,965.00	-	
Dewberry & Davis ³		990,850.00	885,642.79	105,207.21	
Consulting Services - McCallum Sweeney		115,000.00	80,343.52	34,656.48	
Total	\$ 14,388,399.83	\$ 14,231,524.83	\$ 14,091,661.14	\$ 139,863.69	\$ 156,875.00

¹ This figure does not include the interest the City is losing from the unvested funds.

² settlement fees have been charged to general expenditures until a funding source is available

³ This contract was originally for \$814,500, but has been amended to include a traffic impact analysis, and a cemetery survey. \$740,000 will be covered by the FY09 Tobacco Allocation and \$250,850 will be covered by the FY10 Tobacco Allocation.

Danville Pittsylvania Regional Industrial Facility Authority
 Danville Regional Foundation - Build Out of the Research Facility
 Project Complete

	<u>Funding</u>	<u>Budget / Contract Amount</u>	<u>Expenditures</u>	<u>Encumbered</u>	<u>Unexpended / Unencumbered</u>
Danville Reg. Foundation	\$ 1,745,000.00				
Money Market - Interest Earned	22,687.21				
McKinney & Company		\$ 144,800.79	\$ 144,800.79	\$ -	
Blair Construction, Inc.		1,450,261.00	1,450,261.00	-	
CRB Electric, Inc		23,153.00	-	-	
Custom Construction		13,911.00	13,806.67	-	
Powers Signs, Inc.		5,871.35	5,871.35	-	
Millwork Specialist, LLC - Case work for interior		78,935.04	78,935.04	-	
Commonwealth Blinds & Shades		3,074.20	3,074.20	-	
Sigma Engineered Solutions PC		11,800.00	11,800.00	-	
CCI**		59,101.00	59,101.00	-	
Total	\$ 1,767,687.21	\$ 1,790,907.38	\$ 1,767,650.05	\$ -	<u>\$ 37.16</u>

** Contract is for \$82,588, the Institute will provide the remaining funds of \$23,487 to complete the project

