

Economic Development Authority of the City of Portsmouth
September 20, 2022
9:00 AM

COMMISSIONERS PRESENT: Ray A. Smith, Sr. – Chairman
Malcom Mitchell – Vice Chairman
Cathy Drewry – Treasurer
Neal J. Barber
Anthony Brown
Barbara Smith (Arrived 9:12am)

ALSO PRESENT: Brian Donahue – Secretary
Pam Croom – Assistant Secretary
Lavonda Graham-Williams – City Attorney
Jeff Miller – Deputy City Attorney
Kelsey Swieringa – Assistant City Attorney
Tonya Chapman – City Manager
Flora Berisha – Finance
Kyera Pope – Finance
Paul Battle – City Council Liaison

ABSENT: Theresa J. Saunders-Smith

Welcome & Call to Order

- The Chairman called the meeting to order at 9:00 a.m.

Roll Call

- Mr. Donahue called the roll. There was a quorum.

Minutes

- The minutes from the August 16, 2022 Regular Meeting were presented.
- **ACTION:** On a motion by Ms. Barber and seconded by Mr. Drewry, the Commissioners approved the minutes from the August 16, 2022, Regular Meeting as presented.

Roll Call Vote: Mr. Barber - yes; Ms. Drewry - yes; Mr. Mitchell - yes; Ms. Saunders-Smith - absent; Ms. Smith – late; Mr. Smith – yes; Mr. Brown - yes. Approved 5-0 vote

Financials

- Flora Berisha reviewed the July and August 2022 financial statements and EDA properties available for sale. It was agreed that the July and August 2022 statements would be filed for audit.

Old Business

- Mr. Donahue gave an update on the FY22 Business Incentive Grant Program.
- Mr. Donahue presented two FY22 Real Property Investment Grant extension requests of 90 days each:
 - 600 Court St - Privilege Premier Restaurant
 - 603 Hansen Ave - Toddler Time Child Development Center
- **ACTION:** On a motion by Mr. Barber and seconded by Ms. Drewry, the Commissioners approved the acceptance of both 90-day extensions.

Roll Call Vote: Mr. Barber - yes; Ms. Drewry - yes; Mr. Mitchell - yes; Ms. Saunders-Smith - absent; Ms. Smith – yes; Mr. Smith – yes; Mr. Brown - yes. Approved 6-0 vote

- Mr. Donahue reviewed the FY23 Business Investment Grant program guidelines and application updates. Updates included eligibility requirements, new grant submission round schedule and modification of the grant completion requirement timeline. Mr. Battle asked if the new guidelines would apply to only new grant applications going forward. Mr. Brown inquired about how residential or business uses are going to be determined. Ms. Drewry asked if security fencing was an ineligible improvement.

- **ACTION:** On a motion by Mr. Barber and seconded by Ms. Drewry, the Commissioners approved the acceptance of the FY23 Business Investment Grant guidelines.

Roll Call Vote: Mr. Barber - yes; Ms. Drewry - yes; Mr. Mitchell - yes; Ms. Saunders-Smith - absent; Ms. Smith – no; Mr. Smith – yes; Mr. Brown - yes. Approved 5-1 vote

- Mr. Donahue announced that the Committee reviewing the responses to the RFP for Commercial Real Estate Services selected Harvey Lindsay Commercial Real Estate as the successful respondent. Mr. Donahue went over the terms of the services agreement and introduced their representative Mr. Ryan King. Mr. Donahue opened the floor for questions. Mr. Brown and Ms. Smith discussed the brokerage fee for leases. Mr. Smith asked Mr. King to come back and provide the EDA members with a more in-depth presentation at a later date.

- **ACTION:** On a motion by Ms. Drewry and seconded by Mr. Barber, the Commissioners approved the award of the RFP for Commercial Real Estate Services.

Roll Call Vote: Mr. Barber - yes; Ms. Drewry - yes; Mr. Mitchell - yes; Ms. Saunders-Smith - absent; Ms. Smith – yes; Mr. Smith – yes; Mr. Brown - yes. Approved 6-0 vote.

New Business

- Mr. Donahue presented a Sponsorship request from Black Brand, a small business incubator and training organization which is billed as the region's Black Chamber of Commerce, and

introduced Ms. Blair Durham. Ms. Durham went over Black Brand's B-force accelerator initiative, including program overview and deliverables and technical assistance providers. Mr. Battle asked for clarification regarding Black Brand's role and partners. Mr. Mitchell asked where onsite training would be conducted. Ms. Drewry asked how long Black Brand tracks businesses' success. Mr. Barber asked how many active businesses in Portsmouth went through their program. Ms. Chapman asked what is being done to attract more Portsmouth businesses.

- Mr. Brian Swets from the Portsmouth Planning and Community Development Office and Mr. Dan Douglas from Benchmark Consulting presented the City's Innovation District plan for development of underutilized land in the Uptown/D2 District to bring business to the city and attract jobs. Mr. Swets open the floor to any input or questions. Mr. Mitchell stated he is excited to hear about the Innovation District plans and he would like to maintain some green spaces for balance and community involvement. Ms. Smith inquired about the Innovation District parameters from end to end. Ms. Drewry stated safety concerns for bikers and pedestrians. Mr. Barber asked if any market analysis is part of the plan. Ms. Graham-Williams stated that it must include a residential aspect and after work activities, keeping a balance and presence of people in area.

Closed Meeting

ACTION: At 10:42 a.m. Mr. Barber, seconded by Ms. Smith, the EDA moved to go into a closed meeting pursuant to Virginia Code Subsection 2.2-3711 A.3 for the purpose of discussing the disposition of real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically regarding 1130 High Street, and strategic acquisitions.

Roll Call Vote: Mr. Barber - yes; Ms. Drewry - yes; Mr. Mitchell - yes; Ms. Saunders-Smith - absent; Ms. Smith - yes; Mr. Smith - yes; Mr. Brown - yes. Approved 6-0 vote

ACTION: At 11:51 a.m. on a motion by Mr. Mitchell and seconded by Mr. Barber, the Authority moved that each Commissioner certify that, to the best of his or her knowledge: (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting just concluded.

Roll Call Vote: Mr. Barber - yes; Ms. Drewry - yes; Mr. Mitchell - yes; Ms. Saunders-Smith - absent; Ms. Smith - yes; Mr. Smith - yes; Mr. Brown - yes. Approved 6-0 vote

Open Meeting

ACTION: On a motion by Mr. Barber and seconded by Mr. Brown, the Commissioners approved the following resolution:

RESOLUTION
(60 Afton Parkway/73 Farragut Street)

WHEREAS, the Treasurer conducted a tax sale auction of 60 Afton Parkway and 73 Farragut Street (the "Properties"); and

WHEREAS, consistent with the direction of the Board, staff bid on the properties at auction and won the bid on behalf of EDA at a price of \$32,025 plus \$1,298.03 in closing and recording costs;

NOW, THEREFORE, it is hereby RESOLVED that:

1. The Board hereby approves and ratifies the acquisition of the properties.
2. The Chair, Vice Chair, and Secretary and Assistant Secretary, and their designees are each authorized to execute such documents and take such further actions as are necessary or desirable in their sole discretion in furtherance of the purposes of this Resolution.
3. This Resolution shall be effective immediately upon its adoption.

Roll Call Vote: Mr. Barber - yes; Ms. Drewry - yes; Mr. Mitchell - yes; Ms. Saunders-Smith - absent; Ms. Smith – yes; Mr. Smith – yes; Mr. Brown - yes.

ACTION: On a motion by Ms. Smith and seconded by Mr. Barber, the Commissioners moved to add two additional items to the meeting agenda.

Roll Call Vote: Mr. Barber - yes; Ms. Drewry - yes; Mr. Mitchell - yes; Ms. Saunders-Smith - absent; Ms. Smith – yes; Mr. Smith – yes; Mr. Brown - yes. Approved 6-0 vote

Mr. Miller read the resolutions into the record to be voted on individually.

First Resolution read: Black BRAND Sponsorship

RESOLUTION
(Black BRAND Sponsorship)

WHEREAS, Black BRAND is a 501c3 nonprofit focused on research, analytics, networking and development to assist minority-owned businesses; and

WHEREAS, Black Brand operates the B-Force Accelerator program to provide technical assistance to business owners that prepares them for scaling and capital access; and

WHEREAS, Black BRAND has requested a sponsorship from EDA;

NOW, THEREFORE, it is hereby RESOLVED that:

1. The Board hereby authorizes the payment of \$5,000 to Black BRAND to sponsor the B-Force Accelerator program for Portsmouth businesses.
2. The Board hereby appropriates funding from the fund balance of the FY 2023 budget as necessary for the authorized sponsorship.
3. The Chair, Vice Chair, and Secretary, and their designees, are each authorized to take such further actions as are necessary or desirable in their sole discretion in furtherance of the purposes of this Resolution.
4. This Resolution shall be effective immediately upon its adoption.

ACTION: On a motion by Ms. Smith and seconded by Ms. Drewry, the Commissioners approved the Resolution for Black BRAND Sponsorship.

Roll Call Vote: Mr. Barber - yes; Ms. Drewry - yes; Mr. Mitchell - yes; Ms. Saunders-Smith - absent; Ms. Smith – yes; Mr. Smith – yes; Mr. Brown - no. Approved 5-1 vote

Second Resolution read: Frederick Boulevard Interchange Access Report

RESOLUTION
(Frederick Boulevard Interchange Access Report)

WHEREAS, conditions at the Frederick Boulevard interchange on I-264 are poor, with congestion and drainage problems ; and

WHEREAS, to be eligible to apply for federal funding to address the drainage issues, the City requires an Interchange Access Report (“IAR”); and

WHEREAS, Rivers Portsmouth Gaming (“RPG”) is also required to perform an IAR for the Victory interchange; and

WHEREAS, the two IARs require many of the same studies and information, meaning that an economy of scale can be achieved if both IARs are performed by the same contractor; and

WHEREAS, RPG has contracted with Kimley Horn to perform the Victory IAR, and Kimley Horn is also a procured annual services contractor for the City; and

WHEREAS, EDA has an existing agreement with RPG requiring RPG to perform the Victory IAR, and the City has requested that EDA amend its agreement with RPG to provide for Kimley Horn to perform both the Victory IAR and Frederick IAR; and

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WHEREAS, the City and RPG have calculated that the percentage of Kimley Horn's work allocable to the Frederick IAR is 42% of the total, and the percentage allocated to the Victory IAR is 58%; and

WHEREAS, the City will reimburse EDA for the cost of the Frederick IAR, which is estimated to be \$566,370; and

WHEREAS, under the proposed amendment, neither the scope nor cost of Kimley Horn's work can be modified without the approval of EDA and the City; and

WHEREAS, performing the Frederick IAR in the manner set forth in this Resolution will save the City money and expedite the timeline for applying for the federal funding to address the Frederick Boulevard interchange issues;

NOW, THEREFORE, it is hereby RESOLVED that:

1. The Board hereby approves and authorizes the amendment of the existing Amended and Restated Portsmouth Entertainment District Zoning Application/Traffic Infrastructure Agreement to provide for the performance of both the Victory IAR and the Frederick IAR by Kimley Horn.
2. The Chair and Vice Chair are each authorized to execute the amendment.
3. The Chair, Vice Chair, and Secretary, and Assistant Secretary, and their designees, are each authorized to execute such documents and take such further actions as are necessary or desirable in their sole discretion in furtherance of the purposes of this Resolution.
4. This Resolution shall be effective immediately upon adoption.

ACTION: On a motion by Mr. Barber and seconded by Mr. Brown, the Commissioners approved the Frederick Blvd Interchange Access Report.

Roll Call Vote: Mr. Barber - yes; Ms. Drewry - yes; Mr. Mitchell - yes; Ms. Saunders-Smith - absent; Ms. Smith – yes; Mr. Smith – yes; Mr. Brown - yes. Approved 6-0 vote

Items submitted by Commissioners:

- Mr. Mitchell asked to consider utilizing appraisals vs assessments to value EDA properties.
- Mr. Barber advised the EDA members of a Virginia Institute for Economic Development training coming up in October and encouraged EDA members to attend.

Report Backs:

- Mr. Donahue provided a response to Vice Chair Mitchell's inquiry on the presence of electric vehicle charging stations at the Rivers Casino Portsmouth. Mr. Roy Corby, General Manager at Rivers

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Casino informed Mr. Donahue that there will be a total of eight EV charging stations in two different locations.

Adjourn: The meeting adjourned at 12:02 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian Donahue", with a horizontal line extending from the end of the signature.

Brian Donahue, Secretary

Ray Smith, Chair