

EDA Meeting
January 19, 2021

Economic Development Authority of the City of Portsmouth

January 19, 2021

Electronic Meeting via GoToMeeting

COMMISSIONERS PRESENT:

Neal J. Barber
Malcom Mitchell - Vice Chairman
Theresa J. Saunders-Smith
Barbara B. Smith
Ray A. Smith, Sr. – Chairman
Bette "Cathy" Drewry

ALSO PRESENT:

Robert D. Moore - Secretary
Brian Donahue - Assistant Secretary
Jeff Miller - Deputy City Attorney
Kelsey Swieringa - Assistant City Attorney
Paul Battle - City Councilman
De'Andre Barnes – Vice-Mayor
Patti Phillips- Finance Consultant
LaVoris Pace – Interim City Manager

ABSENT:

Kyle J. Kovachik -Treasurer

Due to the novel coronavirus pandemic, this EDA meeting was held electronically via GoToMeeting pursuant to Ordinance No. 2020-102; each Commissioner attended the meeting electronically.

The Chairman called the meeting to order at 8:08 a.m. The Chairman stated that the meeting was being held electronically, and identified the notices provided to the public to access the meeting.

The minutes from the December 15, 2020 meeting were reviewed.

ACTION: On a motion by Mrs. Saunders-Smith and seconded by Mr. Barber, the Commissioners approved the minutes from the December 15, 2020 meeting as presented. **Roll Call Vote:** Mr. Barber - yes; Ms. Drewry - absent; Mr. Kovachik - yes; Mr. Mitchell - yes; Ms. Saunders-Smith - yes; Ms. Smith - yes; Mr. Smith - yes.

Ms. Phillips reviewed the November 2020 financial statements. It was agreed that November 2020 statements would be filed for audit.

Mr. Moore provided an update on the Statement of Economic Interest Certifications. The deadline for completion is February 1, 2021. Mr. Moore advised that Commissioners who do not timely complete the Certification are subject by law to a personal fine of \$250.00.

Mr. Moore introduced Rush Street Director of Public Affairs, Brett Schweiker, and Community & Public Affairs Lead, Delceno Miles.

ACTION: At 8:49 a.m. on a motion by Mr. Mitchell and second by Mr. Barber, the Authority entered a closed electronic meeting pursuant to Virginia Code subsections 2.2- 3711 A.3 and 2.2-3708.2 A.3 and City Council Ordinance 2020 - 102 for the purpose of discussing the acquisition and 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 1021 High Street, 1107 High Street, 409 McLean Street, the 1100 block (south) of London Boulevard, and Crawford Bay (2 Crawford Parkway, 8 Crawford Parkway, 2 Harbor Court and 3 Harbor Court). **Roll Call Vote:** Mr. Barber - yes; Ms. Drewry - yes; Mr. Kovachik - absent; Mr. Mitchell - yes; Ms. Saunders-Smith - yes; Ms. Smith - yes; Mr. Smith - yes.

ACTION: At 11:00 a.m., on a motion by Mr. Mitchell and seconded by Mr. Barber, the Authority entered an open meeting whereby only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and 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. Kovachik-absent; Mr. Mitchell-yes; Ms. Saunders-Smith - yes; Ms. Smith - yes; Mr. Smith - yes.

ACTION: On a motion by Mr. Barber and second by Ms. Smith the commissioners adopted the following Resolution.

**RESOLUTION
(409 McLean)
(Extension of Feasibility Period)**

WHEREAS, pursuant to a resolution adopted on May 19, 2018 the EDA entered into a Purchase and Sale Agreement with The Miller Group of Virginia, Inc. (the “Developer”) for the residential development of 409 McLean Street (as amended, the “Agreement”); and

WHEREAS, the Feasibility Period under the Agreement expires on January 21, 2021; and

WHEREAS, Developer has been diligent in pursuing the development, including obtaining zoning and major subdivision plat approvals, and has made three site plan submissions; and

WHEREAS, a delay has been caused by a request from the City to modify the route for disposition of sewage from the property; and

WHEREAS, to resolve the sewage issue and allow time for completion of the due diligence and permitting process it is in the interest of all parties to extend the Feasibility Period for an

additional six months;

NOW, THEREFORE, it is hereby RESOLVED that:

1. The amendment of the Agreement to extend the Feasibility Period through July 23, 2021 is hereby approved.
2. The Chair and Vice Chair are each authorized to execute an amendment to the Agreement in accordance with the intent of this Resolution.
3. This Resolution shall be effective immediately upon its adoption.

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

ACTION: On a motion by Mr. Barber and second by Ms. Smith the commissioners adopted the following Resolution.

RESOLUTION
(0 London)
(Purchase and Sale Agreement)

WHEREAS, Rhetsom Companies, Inc. (the "Developer") has proposed to construct a standalone retail facility at 0 London Boulevard (Tax Parcel 0032-1160) (the "Property"); and

WHEREAS, EDA has negotiated a Purchase and Sale Agreement with Developer (the "Agreement") pursuant to which the Developer will purchase the Property for a price of \$130,000 (the "Purchase Price"); and

WHEREAS, the Property was originally acquired by the Portsmouth Redevelopment and Housing Authority in 1997 and has been in public ownership ever since; and

WHEREAS, the conveyance of the Property to the Developer will increase the City's tax base, both through placing the Property in private ownership and through ultimate development of the Property;

NOW, THEREFORE, it is hereby RESOLVED that:

1. The Chair, Vice Chair, and Secretary are each authorized to execute the Agreement on behalf of EDA.
2. The Chair, Vice Chair, and Secretary and their designees are each hereby authorized to take such further actions and execute such further applications, documents and instruments (including without limitation a Deed conveying the Property and related closing documents) as may be necessary or desirable in furtherance of the conveyance of the Property to the

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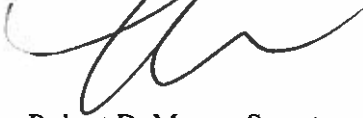
Developer or its assigns in accordance with the Agreement, as the same may be amended from time to time; provided however, that any subsequent amendment to the Agreement shall be subject to the prior authorization of the Board of Commissioners.

3. This Resolution shall be effective immediately upon its adoption.

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

ACTION: Chairman Smith established a new committee called "Business Advisory Committee". Chairman Smith appointed Ms. Saunders-Smith and Ms. Drewry to serve on the committee.

Respectfully submitted,



Robert D. Moore, Secretary