

The Portsmouth Port and Industrial Commission

August 24, 2021

- COMMISSIONERS PRESENT:** Angelia Allen
Sarah Rogers Garner
Arnette McSwain
Bracey Parr
Andre Williams
Amira Bethea
- ABSENT:** Kelsey Swieringa – Assistant City Attorney
- ALSO PRESENT:** Robert Moore – Secretary
Brian Donahue – Assistant Director
Jeff Miller – Deputy City Attorney
Mimi Terry – Chief Financial Officer
Patti Phillips – Finance Dept.
Angel Jones - City Manager
- GUEST:** James Wright -Director of Engineering
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Welcome & Call to Order

- The Chairman called the meeting to order at 8:01 a.m.

Minutes

- The minutes from the July 27, 2021, meeting were reviewed.

Action: On a motion by Mr. Parr and seconded by Ms. Rogers Garner the Commissioners approved the minutes from the July 27, 2021 meeting. **Roll Call Vote:** Ms. Allen-yes; Ms. Bethea- yes; Ms. McSwain-yes; Mr. Parr- yes; Ms. Rogers Garner-yes; Mr. Williams- yes.

- *Ratification of Electronic Meeting Minutes*
Having received the minutes of the October 27, 2020 meeting as requested at its prior meeting, the Board adopted a Resolution to ratify the minutes of the electronic meetings held during the pandemic.

Action: On a motion by Mr. Parr and seconded by Ms. Rogers Garner the Commissioners approved the Ratification of Electronic Minutes. **Roll Call Vote:** Ms. Allen-yes; Ms. Bethea- yes; Ms. McSwain-yes; Mr. Parr- yes; Ms. Rogers Garner-yes; Mr. Williams- yes.

**A RESOLUTION RATIFYING THE MINUTES OF THE MEETINGS OF THE
PORTSMOUTH PORT AND INDUSTRIAL COMMISSION HELD
ELECTRONICALLY PURSUANT TO THE EMERGENCY PROCEDURES**

ESTABLISHED BY CITY COUNCIL TO ENSURE THE CONTINUITY OF LOCAL GOVERNMENT DURING THE COVID-19 PANDEMIC.

WHEREAS, due to the emergency conditions created by the COVID-19 Pandemic, City Council adopted Ordinance 2020-21 (as extended, modified and terminated by subsequent City Council ordinances, the “Emergency Ordinance”); and

WHEREAS, the Emergency Ordinance authorized Boards and Commissions to conduct meetings electronically without a quorum physically present between April 2020 and the end of June 2021 (the “Electronic Meetings”); and

WHEREAS, pursuant to City Council Ordinance 2021-42 adopted on June 8, 2021, the authorizations and procedures established by the Emergency Ordinance expired effective June 30, 2021; and

WHEREAS, the Emergency Ordinance provides that, upon returning to in-person meetings, each Board or Commission should publicly ratify all of the approved minutes of the Electronic Meetings; and

WHEREAS, the purpose of ratifying the approved minutes is to confirm for the record the validity of the electronic meeting format adopted through the Emergency Ordinance and implemented by the applicable Board or Commission;

NOW, THEREFORE, BE IT RESOLVED by the PORTSMOUTH PORT AND INDUSTRIAL COMMISSION that, for the purposes set forth in this Resolution, it hereby ratifies the minutes of the following meetings: June 23, 2020; October 27, 2020; January 26, 2021; February 23, 2021; April 27, 2021; May 25, 2021; June 22, 2021.

Financials

- *Financial Report*
Mrs. Phillips reviewed the Financial Statement for July 27, 2021. It was agreed to file the July 27, 2021 Financial Statement for audit.

Old Business

- *By Law Amendment- Meeting Time Change*
Action: On a motion by Mr. Parr and seconded by Ms. Rogers Garner the Commissioners approved the following Resolution: BYLAWS Amendment. **Roll Call Vote:** Ms. Allen-no; Ms. Bethea- yes; Ms. McSwain-yes; Mr. Parr- yes; Ms. Rogers Garner-yes; Mr. Williams- yes.

**RESOLUTION
(Bylaws Amendment)**

WHEREAS, the PPIC bylaws establish a regular meeting time of 8 A.M.; and

WHEREAS, the Board of Commissioners desires to amend the bylaws to change the regular meeting time to 9 A.M.;

NOW, THEREFORE, it is hereby RESOLVED that:

1. The “Regular Meetings” section of Article III of the Portsmouth Port and Industrial Commission bylaws is amended as shown below:

REGULAR MEETINGS. Monthly meetings shall be held without notice at the regular meeting place of the Commission on the fourth Tuesday of each month at ~~0800~~ 0900 hours, unless the same shall be a legal holiday, in which event the said meeting shall be held on the next succeeding working day, and unless at a different time and/or date approved by vote at a prior meeting.

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

- *Financial Services Update*

- It was the recommendation of the Ad hoc Committee that the PPIC Funds be move to the City Treasurer Office; keeping a minimal amount in the current institution.

Action: On a motion by Ms. McSwain and seconded by Ms. Rogers Garner the Commissioners approved the recommendation. **Roll Call Vote:** Ms. Allen-yes; Ms. Bethea-yes; Ms. McSwain-yes; Mr. Parr- yes; Ms. Rogers Garner-yes; Mr. Williams-yes.

- *EDA Retreat – September 21, 2021, 10 am – 2 pm*

- Mr. Moore reminded the board of the EDA Retreat on September 21, 2021.

- *Joint PPIC/EDA Meeting – September 28, 2021*

- Mr. Moore reminded the board of the PPIC/EDA Joint Meeting on September 28, 2021 following their regular meeting at 9:00 a.m.

- *PPIC Incentive Program Update*

- There are no updates currently.

- *3920 Burtons Point Road Property Maintenance*

- Mr. Donahue advised the Board that staff worked with the City’s procurement office to solicit additional quotes for grass-cutting and maintenance at 3920 Burtons Point Road. Mr. Donahue advised that four companies had been contacted; that two had not responded; and that two had visited the site. Of the two that visited the site, one declined to provide a quote and the second quoted a price of \$2,400 per month. This being substantially higher than the previous quote received from JAB’s Lawncare and Maintenance (\$340/month

for two cuts and weed control), the Board determined to move forward with JAB.

Action: On a motion by Mr. Parr and seconded by Ms. McSwain that PPIC continue to retain JAB's Lawncare and Maintenance to perform grass-cutting and maintenance at 3920 Burtons Point Road. **Roll Call Vote:** Ms. Allen-yes; Ms. Bethea- yes; Ms. McSwain-yes; Mr. Parr- yes; Ms. Rogers Garner-yes; Mr. Williams-yes.

New Business – none

Closed Meeting

Action: At 8:19 a.m., on a motion by Ms. Rogers Garner and second by Ms. McSwain the Commission moved to go into a closed meeting: (1) pursuant to Virginia Code Subsection 2.2-3711 A.6 for the purpose of discussing the investment of public funds where competition or bargaining is involved where, if made public initially, the financial interest of the Commission would be adversely affected, specifically regarding Port Host Communities grants; and (2) 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 3920 and 3930 Burtons Point Road.

Roll Call Vote: Ms. Allen-yes; Ms. Bethea- yes; Ms. McSwain-yes; Mr. Parr- yes; Ms. Rogers Garner-yes; Mr. Williams- yes.

Action: At 9:10 a.m., on a motion by Ms. Rogers Garner and seconded by Ms. McSwain, the Commission 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:** Ms. Allen-yes; Ms. Bethea-absent*; Ms. McSwain-yes; Mr. Parr- yes; Ms. Rogers Garner-yes; Mr. Williams- yes.

* Ms. Bethea left the meeting during the closed session.

Open Meeting

- *Port of Virginia Update*
The Port of Virginia representatives were not available for an update.

Items submitted by Commissioners

- Ms. Rogers-Garner requested that a discussion of protocols be added to the next regular meeting agenda.
- Mr. Parr asked whether EPA official Randy Sturgeon had been scheduled to come to a future meeting. Mr. Moore responded that Mr. Sturgeon had not been scheduled yet, but that staff would reach out to him to attend a future meeting.
- Mr. Parr suggested that Board members may want to attend the Virginia Maritime Association Conference in Norfolk from September 29 thru October 1, 2021, as the

VPA CEO is scheduled to speak and there will be networking opportunities. The goal would be to have two Commissioners attend each session. Mr. Moore stated that staff could handle registration for interested Commissioners using City funds and then PPIC could reimburse the City for the cost.

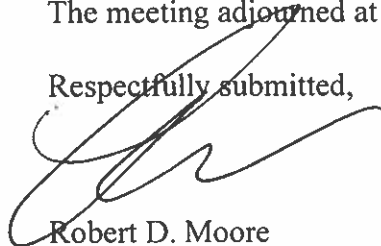
Action: On a motion by Mr. Parr and seconded by Ms. Rogers Garner to appropriate funds from unrestricted retained earnings to increase the Training/Travel budget line item to \$10,000. **Roll Call Vote:** Ms. Allen-yes; Ms. Bethea- absent; Ms. McSwain-yes; Mr. Parr-yes; Ms. Rogers Garner-yes; Mr. Williams-yes.

- Mr. Parr asked staff to explore the possibility of a boat tour for PPIC and EDA, similar to the PPIC Board boat tour taken a few years ago. Mr. Moore stated that staff would look into whether something could be set up for October.
- Mr. Parr asked staff to explore the possibility of a land tour of PPIC properties and properties for which PPIC has provided incentives.
- Mr. Parr advised that he had recently visited Savannah, Georgia and was able to speak with Savannah's Port Authority, and that he would like to provide the Board with a presentation regarding things he had learned about Savannah's strategies and ideas.
- Ms. Rogers Garner reported that she had attended the recent Doing Business with Portsmouth event and that she felt it provided a lot of useful information; she encouraged other Board members to attend future events,
- Mr. Parr presented a resolution to the Board requesting a meeting with City Council to discuss how PPIC powers might be utilized to benefit the City. After discussion, the Board requested that the Office of the City Attorney review the legality of the measures discussed in the resolution prior to taking any action.
- Mr. Parr requested a copy of the comfort letter that EPA provided to Crofton Diving for 3920 Burtons Point Road.

Adjourn

The meeting adjourned at 9:59 a.m.

Respectfully submitted,



Robert D. Moore
Secretary