

**ECONOMIC DEVELOPMENT AUTHORITY  
of the  
CITY OF HAMPTON, VIRGINIA**

Minutes – Special Meeting

February 5, 2019 – 8:00 a.m.

EDA Conference Room

**CALL  
TO ORDER**

Chair Ferebee called the meeting to order at 8:00 a.m.

**DIRECTORS  
PRESENT**

Michelle T. Ferebee, Richard M. Bagley, Jr., Carlton M. Campbell, Sr., James “Pete” Peterson, Laura S. Sandford and George E. Wallace. Also present was Secretary/Treasurer Charles E. Rigney, Sr.

**STAFF  
PRESENT**

Patricia Melochick, Brian DeProfio, Daniel Girouard and Teresa Hudgins

**GUEST PRESENT**

Craig Davis – Craig Davis Properties

**CLOSED  
MEETING**

Chair Ferebee stated a Closed Meeting will now be held pursuant to Virginia Code §2.2-3711.A.8 for consultation with legal counsel employed or retained by the Authority regarding specific legal matters requiring the provision of legal advice by such Counsel regarding an existing Land Disposition Agreement. A motion was made by Mr. Wallace and seconded by Mr. Bagley to go into the Closed Meeting. A roll call vote was taken which resulted as follows:

Ayes: Bagley, Campbell, Peterson, Sandford, Wallace and Ferebee  
Nays: None

**CERTIFICATION  
OF CLOSED  
MEETING**

Chair Ferebee stated it was now appropriate to take a roll call vote and that to the best of our knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter, 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. Any member who believes there was a departure from the requirements of subdivisions (i) and (ii) shall so state prior to the roll call vote, indicating the substance of the departure that, in his/her judgment has taken place. Such statements shall be recorded in the Minutes. Chair Ferebee asked for any statements. There were none. A motion was made by Ms. Sandford and seconded by Mr. Campbell to conclude the Closed Meeting and return to the Meeting. A roll call vote was taken which resulted as follows:

Ayes: Bagley, Campbell, Peterson, Sandford, Wallace and Ferebee  
Nays: None

A motion was made by Mr. Bagley and seconded by Mr. Campbell to consent to the collateral assignment by Craig Davis Properties, Inc. its interest in Land Disposition, Option and Development Agreement to First Citizen's Bank & Trust Company and to authorize the Chair to execute documents for that purpose as may be requested by Craig Davis Properties and/or the Lender subject to the City Attorney's approval of the terms contained therein. A roll call vote was taken which resulted as follows:

Ayes: Bagley, Campbell, Peterson, Sanford, Wallace and Ferebee  
Nays: None

A motion was made by Ms. Sanford and seconded by Mr. Peterson to approve Estoppel Certificates, as requested by First Citizen's Bank & Trust Company, regarding the HRCN declarations and the Land Disposition, Option and Development Agreement; an amendment to the Escrow Agreement related to the same and to authorize the Chair to execute those agreements subject to approval by the City Attorney. A roll call vote was taken which resulted as follows:

Ayes: Bagley, Campbell, Peterson, Sanford, Wallace and Ferebee  
Nays: None

A motion was made by Mr. Campbell and seconded by Mr. Peterson to approve the Authority's entering into a Memorandum of Understanding between Lumen Hampton VA, L.P., Craig Davis Properties, Inc., Lumen Apartments, LLC and the Authority memorializing Craig Davis Properties, Inc.'s and the Authority's continuing obligations under the Land Disposition, Option and Development Agreement and authorizing the Chair to execute same subject to approval by the City Attorney. A roll call vote was taken which resulted as follows:

Ayes: Bagley, Campbell, Peterson, Sanford, Wallace and Ferebee  
Nays: None

ADJOURNMENT      There being no further business, the meeting was adjourned at 8:50 a.m.

Respectfully submitted,



Charles E. Rigney, Sr.  
Secretary/Treasurer

CER/tbh