

**Community Redevelopment Agency (CRA)
Meeting Minutes January 18, 2022
(APPROVED)**

1/18/2022 - Minutes

1. CALL TO ORDER & ROLL CALL

CRA Members Present: Robin Gibson - Chair, Jack Hilligoss, Mayor Eugene Fultz, Terrye Howell, Daniel Williams

Staff Present: James Slaton, Executive Director; Jennifer Nanek, City Clerk; Albert C. Galloway, Jr., City Attorney

Chair Robin Gibson called the meeting to order at approximately 7:30 p.m.

2. COMMENTS AND PETITIONS

3. Legal Action Against Dixie-Walesbilt, LLC

[Begin Agenda Memo]

SYNOPSIS: The CRA Board of Directors will determine a course of legal action against Dixie-Walesbilt, LLC.

RECOMMENDATION Staff recommends the CRA Board take one of the following actions:

1. Direct the CRA's legal counsel to file suit and to end negotiations with Dixie-Walesbilt, LLC.

2.

A. Direct Staff to continue negotiations with Dixie-Walesbilt, LLC and establish a new deadline for an agreement to be in place on or before January 28, 2022.

B. Authorize the CRA's legal counsel to begin drafting a complaint against Dixie-Walesbilt, LLC.

C. Authorize the CRA's legal counsel to file suit if an agreement with Dixie-Walesbilt, LLC is not entered into by 12:00 pm on January 28, 2022

BACKGROUND During the December 21, 2021 CRA meeting, the CRA Board directed staff to negotiate a new agreement (novation) with Dixie-Walesbilt, LLC prior to filing a legal complaint. The CRA Board also established a deadline of January 15, 2022 to reach the new agreement. Staff negotiated with Dixie-Walesbilt, LLC as directed and was unsuccessful in reaching an agreement prior to the established deadline. On March 16, 2021, the City Commission voted in favor of noticing Dixie-Walesbilt, LLC of its event of default on the terms and conditions set forth in the original Redevelopment Agreement and provided an opportunity to cure. Dixie-Walesbilt has made no progress in curing the outstanding default(s) to date. Staff is requesting the CRA Board consider each of the provided options presented and take action. Included with this memorandum is the term sheet submitted by Dixie-Walesbilt, LLC containing the requests made of the City and CRA. This document served as the foundation for the recent negotiations.

OTHER OPTIONS While another available option would be to "Do Nothing", allowing the statute of repose deadline of February 1, 2022 to pass and thereby be waived, Staff does not recommend that course of action.

FISCAL IMPACT None at this time. Costs will be incurred if the CRA Board elects to file suit.

[End Agenda Memo]

Chair Robin Gibson reviewed the decision by the City Commission which was:

"to authorize our council to file suit and upon recommendation by City Manager we will meet to consider a signed settlement agreement to replace the one we have to toll the statute of repose."

Commissioner Howell made a motion to duplicate the action of the City Commission on this. Mayor Fultz seconded the motion.

By roll call Vote:

Commissioner Howell "Yes"

Mayor Fultz "YES"

Commissioner Hilligoss "Yes"

Commissioner Williams "Yes"

Mayor Fultz "YES"

Motion passed 5-0.

4. EXECUTIVE DIRECTOR'S REPORT

5. ADJOURN

The meeting was adjourned at 7:36 p.m.

Chair/Vice-Chair

ATTEST:

City Clerk/Deputy City Clerk