

MINUTES

CITIZENS BASEBALL STADIUM REVIEW COMMITTEE

PUBLIC WORKS CONFERENCE ROOM, THIRD FLOOR, CITY HALL

5:00 p.m., Monday, August 24, 2009

APPROVED
9.3.09

Present: Eric Prior, Chair
Brenda Diggs, Vice Chair
Ron Bird, Member
Danny Freeman, Member
Dolores Hill, Member
Howard Hudson, Jr., Member
William (Bill) Kay, Member
J. Aubrey Kirby, Member
Mary Reynolds, Member
Gordon Slade, Member

Staff Present: Gregory M. Turner, Assistant City Manager
Lee D. Garrity, City Manager
Jerry Kontos, Assistant City Attorney
Robert Prestwood, City Engineer
Robin M. Watson, Administrative Asst. to City Manager

Others Present: Charles Hutchings, Samet Construction Company
Bobby Patterson, City Consultant
Media (WS Journal)

The meeting was called to order by Chairman Eric Prior at 5:00 pm. Mr. Prior called on Mr. Gregory M. Turner to review the questions on the payment request that was distributed to members. The question was asked if the State could provide some funding. Mr. Turner stated that it was possible that some Federal money may come through the State. Thereafter, Committee members reviewed the MWBE contractors for the stadium: Molina Masonry, Mayes Landscaping, Seagar Waterproofing, and Southern Paint and Waterproofing. Mr. Turner noted that the company names were not confidential, but the amount owed to each company was a trade secret.

Chairman Prior took questions in regard to the \$4.7 million and the \$2 million in funding. There was discussion about the fact that the \$2 million was not limited to road construction. After more discussion, Committee members indicated the two sources of funding should be spelled out in the resolution. Howard Hudson made a motion to indicate the City's maximum participation was \$6.7 million. It was seconded by Ron Bird. Brenda Diggs voted nay stating the \$6.7 million was already indicated as a maximum and she didn't understand what the issue was. The motion passed 9-1.

City Manager Lee Garrity informed the Committee that the City has posted on the web all Council Actions and Resolutions related to the Baseball Stadium Project. In addition, he stated the documents relating to the stadium project are complex. He suggested that Committee members view the City's website where the forms can be found to clear up confusion that may come from reading news reports on the project.

Chairman Prior asked if Bobby Patterson, the City's Consultant would answer some questions and give feedback on the stadium's condition after review of his submitted documents. Several questions were asked of Mr. Patterson:

- 1) What is the condition of the stadium after being idle for several months? Ans: He found that Samet did a great job in securing and maintaining the building. He felt as though they knew the project would be on hold for an extended time and secured the building to their best ability to protect against the elements.
- 2) How do you arrive at your assessment of the stadium, by your expertise or by what you see? Ans: Mr. Patterson stated by both.
- 3) Did you find that the applications for payments were accurate? Ans: Mr. Patterson stated he found everything to be correct and accurate.
- 4) Did you see any soft costs that could be classified as hard costs? Ans: No, he did not.
- 5) The stored material, has anyone looked at it to see if it is usable and what is the value of the material? Ans: Mr. Turner stated Mr. Patterson could not answer that question, but we will find answers.

The following questions were answered by Mr. Charles Hutchings of Samet Corporation.

- 1) Does the stored material/equipment have warranties? Ans: Yes, some are shorter warranties than others and some warranties are for up to 20 years. None of the warranties at this time are about to expire.
- 2) When should the first game be played? Ans: April 1, 2010.
- 3) Is there a punch list? Ans: Yes, it is ongoing and a shakedown period will occur. All items are included with inspections, concessions, vendors, etc. in the shakedown period schedule.

Mr. Turner stated that Mr. Patterson's next role will be to follow the project progress through construction. Chairman Prior thanked Mr. Patterson and Mr. Hutchings for answering the Committee's questions.

Chairman Prior asked for City Manager Garrity and Assistant City Manager Turner to briefly review Exhibit A (Structure for Additional Bank Financed Funding for Brookstown Development Project). Mr. Garrity stated there is a revised version of Exhibit A that will be distributed to the Committee at the next meeting. However, he did summarize the document the Committee had and noted the areas that had been updated.

He stated that 2/3 bonds could not be used for the stadium, that the banks would have the first lien on the stadium, and the developer has submitted a letter of credit. Mr. Garrity stated that the closing cost would be charged to Mr. Prim.

Committee members asked how often they would have to meet. Mr. Garrity stated that maybe quarterly after the construction is complete. Mr. Turner noted that until that time, the Committee would need to meet monthly to approve their Report to the City Council. Other questions to Mr. Garrity were:

- 1) Will there be an exhibition game for the public and to publicize the team and stadium?
Ans: Perhaps, but it just depends upon the completion date of the stadium.
- 2) Who established the rent payment on the building that will be leased? Ans: It is speculated that the developer would, but we'll have to get definite details to bring back to the Committee.
- 3) What is the size of the additional lots (Armory on Brookstown and Green Street Parking Garage) that are going to be included in the deal? Ans: Mr. Turner will provide this information.
- 4) Why were these lots included? Ans: To increase the collateral for the developer.
- 5) So, isn't this a risk? Ans: Yes, it is; however, it is in our best interest to do what is necessary to get the stadium built and for it to be successful.
- 6) Has this been approved by the City Council? Ans: Yes, it was approved by the Finance Committee first and then presented to the City Council which approved it as well.

Chairman Prior thanked Mr. Garrity and Mr. Turner for the general overview of the documents.

Howard Hudson made a motion to go into Closed Session at 7:05 pm to discuss trade secret information. It was seconded by Brenda Diggs and unanimously approved.

The Committee came out of Closed Session at 7:45 pm, and Chairman Prior recessed the meeting until August 25 at 5:00 pm to review and consider a resolution to approve the City's first payment after additional information is provided.

5:00 p.m., Tuesday, August 25, 2009 - Continuation

Present:

- Eric Prior, Chair*
- Brenda Diggs, Vice Chair*
- Ron Bird, Member*
- Danny Freeman, Member*
- Dolores Hill, Member*
- Howard Hudson, Jr., Member*
- William (Bill) Kay, Member*
- J. Aubrey Kirby, Member*
- Mary Reynolds, Member*
- Gordon Slade, Member*
- Council Member Joycelyn Johnson, Ex-Officio Member*

Staff Present:

- Gregory M. Turner, Assistant City Manager*
- Lee D. Garrity, City Manager*
- Denise Bell, Chief Financial Officer*
- Angela Carmon, City Attorney*

Jerry Kontos, Assistant City Attorney
Robert Prestwood, City Engineer
Robin M. Watson, Administrative Asst. to City Manager

Others Present: Charles Hutchings, Samet Construction Company
Bobby Patterson, City Consultant

Chairman Prior called the meeting to order at 5:00 pm. Brenda Diggs made a motion to go into Closed Session to discuss trade secret data. It was seconded by J. Aubrey Kirby and unanimously approved.

At 5:48 pm, the Committee came out of Closed Session. Chair Prior led the Committee through revisions to the resolution approving the payment of \$6,700,000 in City funding for the Baseball Stadium Construction. After several revisions, Recording Secretary Robin Watson was asked to read the resolution for accuracy. Thereafter, Brenda Diggs made a motion to accept the language and changes to the resolution as read and J. Aubrey Kirby seconded the motion. The resolution was unanimously approved.

It was stated that the Council Action and Resolution will be placed on the City's website and released to the media.

Chairman Prior asked if the right of way easement issue had been worked out with the developer. City Attorney Carmon stated that it has not as yet, but everyone knows what needs to be done in order to close the deal.

Chairman Prior stated at the next meeting, the Committee would be asked to review a draft copy of the Report to the City Council. Chairman Prior also asked Robin Watson to check with Committee members to find a date/time within the next few weeks for this meeting.

Ron Bird made a motion to adjourn the meeting at 6:38 pm and Dolores Hill seconded the motion. Unanimously approved.