HART COUNTY INDUSTRIAL BUILDING AUTHORITY

MINUTES OF MEETING

March 27, 2017

The regular quarterly meeting of the Hart County Industrial Building Authority was held Monday, March 27, 2017 at 5:00 pm in the meeting room of the Hart County Library on Benson Street in Hartwell, Georgia.

The meeting was called to order at 5:05pm by Chairman Bill Leard. He welcomed new members in attendance, Bobby Breffle, Chairman of Hart County Chamber of Commerce and Hart County Board of Commissioners Chair, Joey Dorsey. Authority member Doug Cleveland was also in attendance. Mayor Johnson was absent at the opening of the meeting.

He also welcomed Vivian Morgan of The Hartwell Sun and Hart County Commissioner Marshall Sayer.

Others attending were: Economic Developer Dwayne Dye; Attorney Robert E. Ridgway, Jr. and M. S. Smith, Secretary/Treasurer.

On a nomination by Mr. Cleveland and seconded by Mr. Dorsey, Bill Leard was unanimously re-elected as Chairman of the Authority. On a nomination by Mr. Leard and seconded by Mr. Dorsey, Mr. Cleveland was unanimously elected as Vice Chairman.

The minutes of the December 12, 2016 were approved on a motion by Mr. Cleveland and seconded by Mr. Breffle. Mr. Dorsey abstained due to the fact he was not present at that meeting.

The financial summary as of February 28, 2016 was accepted as presented to the meeting.

Board Member reports/comments:

Mr. Breffle asked about retail sites/interest at Gateway

Mr. Dorsey requested that meeting agenda be provided early

Mr. Cleveland had no comments

Chairman Leard encouraged all members to attend open records training to be held after Commissioners regular meeting on March 28, 2017

Mayor Johnson was unavailable to report/comment at this time and joined the meeting later at approximately 5:22 pm.

Old Business

A. Mr. Dye stated the Request for Variance by Linde+Weimann was no longer needed.

B. Mr. Dye explained the Request by Haering for Variance of Restrictive Covenants and

approval of Construction Plan. On a motion by Mr. Cleveland and seconded by Mr. Dorsey,

this request, with conditions to be specified later, was unanimously approved in principle.

C. Ratification of Soil License Agreement on 18+/- Acre Tract was discussed. Mr. Ridgway asked

for approval of this agreement and is was unanimously approved on a motion by

Mayor Johnson and seconded by Mr. Breffle.

D. Mr. Dye presented a proposal for obtaining from USDA a Release of Property from Gateway

III USDA Loan Conditions along with USDA’s Pre-Approval for and a survey to identify the

separate commercial and industrial tracts to be released and held for sale. On a motion by

Mr. Cleveland and seconded by Mayor Johnson, unanimous approval was given for the survey

to be done.

E. Approval of Verdery Easement Agreement. After discussion, Mr. Cleveland moved to accept

this agreement. Mr. Breffle seconded the motion. The motion passed on a vote of 4 to 1,

with Mr. Dorsey in opposition.

F. Title Clearance Issue. Mr. Ridgway informed the meeting that he had closed his file regarding

clearing of title to the18+/- acre tract (Vickery property) which contained a roadbed that had no

“deeded” easement for lack of evidence to support the Authority’s adverse claim to the roadbed.

New Business

A. Mr. Cleveland made a motion with a second from Mr. Breffle to re-appoint Mr.

Ridgway as legal counsel to the authority. This motion passed unanimously.

B. The auditing firm of Burch, Crooms was unanimously appointed on a motion by Mayor

Johnson and seconded by Mr. Cleveland.

C. Unanimous approval was given for the renewal of the Archway Partnership MOU on

A motion by Mayor Johnson and seconded by Mr. Breffle.

D. Mr. Dye asked for authorization to enter negotiations to solicit a purchase offer for a parcel

of land owned by the Authority and located in the Commercial site area in Gateway II. Mayor

Johnson made a motion for this authorization. Mr. Breffle seconded that motion and it passed   
 unanimously.

Report from Authority Attorney

A. TK Farms Grading and Hauling, Inc. Lien on Hart AgStrong Project. Mr. Ridgway

reported this lien has been satisfied.

B. NEFF Rental, LLC Lien on Hart AgStrong Project. Mr. Ridgway reported this lien is in the

process of being settled and satisfied.

C. Southeast Culvert Lien on Haering Project. Mr. Ridgway reported that notification was

made to Haering of its contractual obligations to defend and indemnify the Authority on this

claim.

D. Request by Haering to Amend 18+/- acre Option Agreement. Since it was now apparent that

the roadbed that split the 18/+- acre (Verdery) Tract would remain in place, Haering has

requested that the roadbed itself and the real property to the east of the roadbed be eliminated

from the Option. The tract to be eliminated contains about 2.25 acres. A new survey of the

whole tract would be necessary to accomplish this. On a motion by Mayor Johnson and

seconded by Mr. Cleveland, unanimous approval was given to authorize a new survey and

amended the Option Agreement.

E. Requested Amendment by Haering to the Economic Development Agreement; Outline of

Agreement in principle was presented by Mr. Dye. Mr. Cleveland made a motion to authorize

Mr. Dye to proceed with this agreement. Mayor Johnson seconded the motion and it was

unanimously passed.

F. Consideration for Amendment and Improvements to Gateway II and Gateway III Restrictive

Covenants to take into consideration different industrial and commercial uses. Mr. Dorsey

made a motion for Mr. Dye to look into this and report back to the Authority. Mayor Johnson

seconded this motion and it passed unanimously.

G. Request by Haering for negotiation on an additional Soil License Agreement for Gateway II

Property (8.2 acre tract). This proposed agreement has been abandoned inasmuch as this

portion of Authority property is not suitable for such an agreement.

Report from Economic Developer

Mr. Dye reported that activity continues to be healthy and interest is more diversified. He

stated that existing industry is experiencing good growth.

Mr. Ridgway asked for Authority approval for the signing and filing of tax exemption requests on Haering and Linde+Weimann as well as other properties, the title to which is in the name of the Authority. Mr. Cleveland made a motion for this, Mr. Dorsey seconded and it passed unanimously.

Other

Mr. Leard shared with the group a change in personnel with the College and Career Academy

and that Mr. Dye is active on that board.

Mr. Dorsey requested a breakdown on economic development as pertains to SPLOST. He

encouraged the Authority to consider the impact to the Authority should no SPLOST funds be

authorized for the Authority.

The next meeting was announced for June 26, 2017 and the meeting adjourned at 6:45 pm.

M. S. Smith

Secretary