



**City of East Point**  
**Monthly Meeting Summary**  
**Business and Industrial Development Authority**  
Thursday, June 13, 2019  
3121 Norman Berry Drive  
East Point, GA 30344  
6:30 pm

**I. Call to order**

Chairperson, Vice Chairperson Joseph Johnson, established a Call to Order of the East Point Business and Industrial Development Authority (BIDA) meeting at 6:31 pm.

**Board Members Present:**

Tina Dharman (Chairperson), Joseph Johnson (Vice-Chairperson), Brittany Byrom, Margaret McClure, Kristin Pritz, Steven Rodgers, and Norman Urquhart

**Others Present:**

Maceo Rogers, Kirby Glaze (Legal Counsel), Nyomi Haynes, Regina Scott-Carter (Secretary-Treasurer) and guest: Atty Mr. Glen Thomson from law firm of Alston Bird

**II. Adoption of Agenda**

Vice Chairperson Joseph Johnson requested a motion be made to approve today's agenda. Mr. Steven Rodgers made a motion to approve the agenda as printed and Ms. Margaret McClure seconded the motion. The agenda was approved unanimously, and the motion carried.

**IV. Chairperson's Report**

Ms. Dharman wanted to make a statement concerning city staff. She also wanted a police staffer to be present for the discussion as well. Ms. Dharman stated: "City staff works with the BIDA Board and not for the BIDA Board; therefore, the board does not hire or fire them, nor are board members in their review or chain of command. Thus, staff should always be treated with respect and if for any reasons staff feels uncomfortable, including Chairperson Dharman the police Officer will have permission to escort the person out of the building and off city property." She continued to state the board cannot berate, yell at or make staffers feel uncomfortable.

## **V. Secretary/Treasurer Report**

### **a. Bank Reconciliation**

Ms. Carter informed the board of Bank Balance of \$51, 497.55 with 4 checks cleared totaling \$6,901.00.

### **b. Liability Insurance Policy Discussion**

Both Insurance policies were presented in the board package for the boards review to include the General Liability Policy from Genesee/Atlanta International RMI, Inc. and the Directors and Officers Insurance Policy from Philadelphia Indemnity Insurance Co.

Question was asked if they were the same company as previous years? The answer was yes and cost remained the same.

## **VI. Legal Report**

### **Introduction of Michael W. Warner, Associate**

Introduction of The Bond Resolution for Duke Realty Limited partnership/Porsche Cars Project including 6 Exhibits:

Exhibit A - Trust Indenture; Exhibit B – Lease Agreement ; Exhibit C- Bond Purchase Agreement; Exhibit D- Guaranty Agreement; Exhibit E - Memorandum of Agreement Regarding Lease Structure and Valuation of Leasehold Interest and Exhibit F- Home Office Payment Agreement

Mr. Glaze informed the board that he had reviewed said documents and made comments on behalf of the Authority with respect to the documents. Kirby introduced Bond Attorney Mr. Glenn Thomson of Alston Bird representing Duke Realty in respect to this transaction.

In preparing for this transaction there were two (2) outstanding issues with the Authority that were brought to our legal team that they were unaware of:

- In 1980 the Legislators amended the Constitutional amendment that created this Authority and the powers given to act as a statutory Development Authority. In this legislation, we were required to pass a resolution and file it with the Secretary State before they could become an active authority. It was believed that this had been done; however, no one could locate the actual resolution. Mr. Glaze stated he reached out to the Secretary States Office to research their archive for a copy and they stated it would take thirty (30 +) plus days to complete such a search.
- Considering the time frame, a substitute resolution has been prepared and sent to the East Point Attorney, City Council and the Mayor to reactivate such documents. This re-established resolution shall satisfy the concerns of the Duke Realty bond council.
- There was also a provision in the Constitutional amendment that stated an authority could not enter into a transaction involving more than twenty-five hundred dollars (\$2,500) or lasting more than thirty (30) days without councils' consent. In 2002, East Point City Council attempted to remove the provision to no avail. A resolution was passed but they never sought to amend the actual state statue itself because the City by resolution alone cannot change the state law. Therefore, bond council is requesting the City of East Point Council to pass a resolution authorizing these transactions to be extended beyond thirty (30) days and Twenty-Five hundred dollars.

- Both resolutions have been forwarded to City Council for Monday June 17, 2019 agenda items by way of review from all legal teams. The City Attorney has reviewed both resolutions and placed them on the agenda for City Council to act on them.
- Please note Duke Bond Council has stated that if the two (2) items are not completed by East Point City Council on Monday, June 17, 2019 they will not go forward with this transaction through East Point BIDA but instead they will use Fulton County Development Authority.

Mr. Joseph Johnson made a motion to pass the Bond Resolution that was before the BIDA Board. The motion was seconded by Ms. Margaret McClure. The motion was approved unanimously, and the motion carried.

## **VII. Old Business**

None reported.

## **VIII. New Business**

Mr. Maceo Rogers presented the current BIDA incentive policy which states a company's eligibility criteria includes: an investment minimum of three (3) million dollars and creation of at least five (5) new jobs. However, the proposed revised policy is requesting to change the job requirement to include a minimum an investment of three (3) million dollars OR retain five (5) jobs.

Mr. Joseph Johnson made a motion to pass the proposed change to the BIDA incentive policy from five (5) new jobs to or retain five (5) jobs. The motion was seconded by Ms. Margaret McClure. The motion was approved unanimously, and the motion carried.

## **IX. Adjournment**

Mr. Joe Johnson motioned to adjourn the meeting and Ms. Kristin Pritz. seconded the motion. The question was asked, and all were in favor. The meeting was adjourned at 7:48 pm.