

Land Bank Minutes – March 26, 2019

Members present:

Latrice Mitchell	Rodney Tookes
Marti Tracy	Terrance Moore
Anne Wise	Artie Jones
Steve Bernard	David Allen

Others present:

Aaron McCullough of Foster, Foster, and Smith
Sharon Waltman of Foster, Foster, and Smith
Blake Meadows of Foster, Foster, and Smith
Terry Baskin, Clayton County Tax Commissioner

Meeting called to order at 6:16 p.m. to allow late members to arrive.

Chairman Latrice Mitchell has some initial comments. She said that she had researched other land banks. She wants to do the Clayton County Land Bank a little different. She said that we represent Clayton County. Who would step in and represent us is someone made a claim? Who would someone make a claim against – the land bank or individual members? What protections are in place? She wants to discuss some things in Executive Session.

A motion to enter Executive Session was made by Terrance Moore and seconded by Artie Jones.

A motion to exit Executive Session was made by Terrance Moore and seconded by Steve Bernard.

A motion to resume Regular Session was made by Terrance Moore and seconded by Marti Tracy.

It was reported that Freidalyn Frasier of Forest Park had resigned from the Land Bank. No replacement for her yet. Steve Bernard is the only member of the Land Bank from Forest Park left.

Old Business

February 26th Meeting Minutes – Motion to approve by Terrance Moore and seconded by Anne Wise. Unanimous.

Discuss Board Make-up (Forest Park) – Odd number of members now, with Freidalyn Frasier resigning; Need to add a member or two from the City of Lovejoy.

Develop Withdrawal of Bid Procedure – Steve Bernard asked if the winning bid was withdrawn, would the property go to the next highest bidder or would it be auctioned again? Put up for auction again. Rodney Tookes asked what the reason for the recent withdrawal was. A motion to approve the reviewed Withdrawal of Bid Procedure was made by Terrance Moore and seconded by Marti Tracy. Unanimous.

Develop Acceptance of Funds Procedure – No cash or credit allowed. Cashier’s check would be acceptable. A motion to approve the Acceptance of Funds Procedure was made by Terrance Moore and seconded by Artie Jones. Unanimous.

Update Board of Education Tax Balance – Agreement and Notice documents presented. The BOE will be sent notice on properties – 30 days on first refusal, cancel debt if no response. Land Bank can do advisory board (Tax Commissioner plus Board of Education).

Update Tax Commissioner Tax Balance – Land Bank can cancel liens, save time.

Review of other Land Bank procedures by Artie Jones – Mr. Jones said that he looked at the procedures of other land banks. There is a Georgia Land Bank Authority website where you can download their procedures. Mr. Jones doesn’t think we need to reinvent the wheel. Aaron McCullough said that a zero budget makes it difficult for the Clayton County Land Bank to do anything but the norm.

New Business

Application – The application was presented.

Application Fee – The possibility, and amount, of a fee was discussed. Latrice Mitchell said that there was zero budget and no staff. Aaron McCullough asked how they would be accountable for the money received? The firm cannot have a line item for this. A motion to have no fee until there is a Land Bank budget was made by Steve Bernard and seconded by Marti Tracy. Unanimous.

Proof of Funding – Latrice Mitchell said that this would be a letter or form from a bank or other entity. Aaron McCullough asked at what stage this would be done? Latrice Mitchell said when they submit the application. Would there be a threshold on bid amounts that would trigger a proof of funding form? After much discussion, no threshold amount was decided upon. A motion to have a threshold was made by Marti Tracy and seconded by Terrance Moore. Jones and Wise opposed. A motion to not follow up on the proof of funds process was made by Artie Jones and seconded by Anne Wise. Unanimous.

Paragraph on developer / real estate experience – Not a disqualifying factor, just helpful information; A motion to accept was made by Terrance Moore and seconded by Artie Jones. Unanimous.

Combining Application and Letter of Intent into One Document - A motion to accept was made by Terrance Moore and seconded by Artie Jones. Unanimous.

Disclaimer on recourse for a withdrawal of a bid – For substantial failures; the Land Bank can take back the property and own the improvements. Latrice Mitchell asked if this could be amended to add an extension? Steve Bernard said that this is just business – adjacent property owners’ values are at stake and they don’t need too long a wait for property improvements to be completed. Just one extension would be appropriate. Aaron McCullough said that they need some discretion in these cases. There are acts of God. Extensions should be a written notice. The seller has discretion. 45 days extension, unless there is a mutually agreed to longer extension. A motion to approve was made by Terrance Moore and seconded by Marti Tracy. Unanimous. Artie Jones said these withdrawn cases need to come back to the entire Board.

Contract –

Language of Restrictions

Recourse – No refunds

Open discussion floor for new items – Rodney Tookes asked if they could do an online auction. Aaron McCullough said yes, if the Board catches up. However, an online auction could be awkward if the applicants are not present to answer questions.

Aaron McCullough asked if the Board wants his firm to find what qualifies as proof of funding. A bank letter will probably suffice.

Propose Next Meeting Date and Time – The Arts Clayton meeting room was discussed as a possible meeting site, with more room. The middle and end of May were discussed for the next meeting, but there were conflicts. Aaron McCullough reminded the Board of the backlog and it was decided it would be best to go ahead and have a meeting in April. April 30th was the best date. A motion to approve was made by Terrance Moore and seconded by Artie Jones. Unanimous.

A motion to adjourn by Terrance Moore and seconded by Steve Bernard. 8:01 pm.