

After Agenda

**Board of Commissioners of Spalding County
Joint Work Session
January 21, 2021
2:00 PM**

**Joint ZOOM Meeting with G-S Board of Education,
City of Griffin, G-S Land Bank Authority**

The Spalding County Board of Commissioners held a ZOOM Work Session with the Griffin-Spalding Board of Education, the City of Griffin and the Griffin-Spalding Land Bank Authority on Thursday, January 21, 2021 at 2:00 p.m.

Attending for Spalding County: Chairperson Gwen Flowers-Taylor, Commissioners Rita Johnson, James Dutton and Ryan Bowlden were in attendance. Also attending from Spalding County was County Manager, William P. Wilson, Jr., Assistant County Manager, Michelle Irizarry, Community Development Director, Debbie Bell, County Attorney, Stephanie Windham and Deputy County Clerk, Kathy Gibson to record the minutes.

Attending for the Griffin Spalding Board of Education: Interim Superintendent, Dr. Donald Warren, Will Doss, Zachery Holmes, Sue McDonald, Retired Superintendent, Jim Smith and Board of Education Attorney Tim Shepherd.

Attending for the City of Griffin: Mayor Doug Hollberg, Commissioners Rodney McCord Cynthia Reid-Ward, Cora Flowers, City Manager Kenny Smith, Deputy of City Manager, Jessica O'Connor, Community Development Director, Chad Jacobs, City Attorney, Drew Whalen and Executive Secretary Susan Bartholomew to record the minutes.

Attending for the Land Bank Authority: Executive Director, Virginia Church, Board Members: Newton Galloway, Brett Hanes and Patty Beckham.

Additional attendees included: Clay Davis, Angel Jackson, Brittany Bullock and Sharon Royle.

- I. OPENING (CALL TO ORDER)** Chairperson Gwen Flowers-Taylor called the meeting to order for Spalding County, the City of Griffin, the Griffin-Spalding Board of Education and the Griffin-Spalding Land Bank Authority.

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

Chairperson Flowers-Taylor then advised that the purpose of the meeting is to determine everyone's role in the Land Bank and get direction from the governing

authorities for future moves and to as well a issues with maintenance and marketing strategies and property assimilation if at all possible

Mr. Wilson then introduced our new Archway Professional, Brittany Bullock. Angel Jackson and advised that they had a several slide presentation to make to the group and then we will continue on to the Land Bank.

II. INVOCATION

III. PLEDGE TO FLAG

IV. AGENDA ITEMS

1. Update on Long-term Strategic Plan and introduction of new Archway Executive.

Angel Jackson, Archway Coordinator of Operations and Archways Professional, Brittany Bullock were also present via Zoom. Ms. Jackson gave an overview of the Archway Program, the conversations that have occurred at joint intergovernmental workshops and the responses from interviews. She then advised that the responses were themed and five distinct categories arose form the workshops and interviews.

Ms. Jackson then stated that the reason they are here today is to get the approval of the group regarding a joint strategic plan that everyone has been asking for, to review the vision statement and obtain support to create the appropriate work groups from staff and volunteers. The working Vision Statement for the community: “We are a friendly, vibrant community where everyone has an opportunity to create sustained success among diverse individuals who live, learn, work and play together.”

Ms. Jackson then reviewed the priority areas as determined by community leaders: Crime, Economic Development, Housing and Blight, K-12 Public Education along with Poverty and Charity. Once these items are approved the staff at Carl Vinson Institute will put together different focus groups to work on these things and create specific goals as they relate to the City, the County and the School Board to address these areas. Ms. Jackson then opened the floor for questions.

Chairperson Flowers-Taylor stated that she had seen the information prior to this meeting, but she gets kind of a “funny feeling” when she reads the mission statement, because she doesn’t see where we are a “friendly, vibrant community where everyone has the opportunity to create sustained success” she then asked is that what we are wanting to be? Because we aren’t that.

Ms. Jackson advised that this is aspirational, this is what we are working toward, what we are hoping to be in the future. It may or not may not be 100% true at this moment, but this is aspirational, this is where the community is going.

Commissioner Rita Johnson advised that this also came up at the Executive Meeting when we discussed the vision statement, Dr. Thomas actually

mentioned that as well. She said that Ms. Copeland clarified that also.

Will Doss then stated that the only other thing he would like to bring up is on the five work areas, he thought we had also agreed to include higher education on that same block.

Stephanie Windham stated that is correct, we did decide to include higher education on the same block as the K-12 Public Education.

William Wilson stated that it could be changed to just Education.

Ms. Jackson stated that if there are serious reservations or hesitations, we need to get the okay so that we can continue to move forward.

Mr. Wilson stated that we have at least one new County Commissioner and he may not know what we are talking about doing. He then asked if everyone remembered the strategic planning process and what we are doing, or do we new a short preview from Ms. Jackson?

Commissioner McCord stated that he would like the short preview.

Ms. Jackson stated that the Archway Partnership is a unit of the University of Georgia and they work with Griffin-Spalding to assist in their collective strategy for the community and connect them to resources at the University of Georgia. Every year we have a joint intergovernmental workshop with the three governing bodies and the Archway Executive Committee. For the past few years the organizations have stated their desire to plan more intentionally together on whatever comes up. So, this past Spring, after the February Workshop, everyone agreed that we need to stop talking and actually get together and start strategic planning collectively. This will not touch on everything in the community, but they were looking that items that would overlap and ways that the three different governing bodies could work together collectively to move the community toward attaining certain goals and working toward the vision statement of becoming this higher self.

Ms. Jackson stated that some have asked about the intergovernmental workshop, we have traditionally done this every year in February; however, that is not possible this year. At least from the Archway perspective, it was felt that we need to meet in person. This could be done through ZOOM if everyone wanted to; however, the consensus in the room was the people wanted to wait until it was safe. So, we will keep watching and when it is safe to meet we will organize and pull something together. It is not cancelled forever, it is just postponed.

Mr. Doss then advised that within the next five months the School System would be working on their new strategic plan and they would need input from the community and from everybody on this call in that process. Hopefully, all of that can dovetail into the community projects.

2. Discuss proposed Amended and Restated Interlocal Cooperation Agreement to establish and maintain The Griffin-Spalding County Land Bank Authority.

Mr. Wilson then asked that Jessica O'Connor, Stephanie Windham, Newton Galloway and Virginia Church start the conversation regarding the Land Bank Authority and what is being requested.

Stephanie Windham and Jessica O'Connor stated they would nominate Newton Galloway to speak for the group.

Chairperson Flowers-Taylor stated that she wanted to make sure that Mr. Galloway talked about the addition of a fifth member to the Authority.

Mr. Galloway stated that we have had folks who have resigned from Land Bank. Jim Smith was the Board of Education representative and he has retired and with those changes and developments there was a discussion regarding the intergovernmental agreement being revised and Jessica O'Connor handled those revision with Stephanie Windham and Virginia Church. To add a fifth member which would permit the Authority to have five members and a quorum of three. This would allow us to conduct business with a little more flexibility. He advised that was the only intention, from his perspective to redoing the intergovernmental agreement.

There is no change in the Authority, or the jurisdiction of the Land Bank Authority. Their only power is to buy those tax delinquent properties and try to get them sold, but we need to have a full compliment on the Authority so that we are clearly able to conduct what business we have to do. You constituted the Authority under an old version of the enabling legislation for the Land Bank statue. After the Authority was developed, a new statute was passed by the legislature which would give the Land Bank significantly more authority if they elected to exercise it and nobody wants that authority. They want to be able to go and do what they have been doing in coordinating with the City's demo program, the County's demo program and the rehab program and the Housing Authority as it attempts to assemble property to help eliminate 1/10th acre lots and substandard dwellings, so that we can participate as a partner in assembling properties for redevelopment.

Mr. Galloway stated that all we need to do is look at the revised intergovernmental agreement that Ms. O'Connor has drafted and get the necessary people appointed, making certain that the School Board's interests are represented. That just gives us the opportunity to continue in the work we are doing. He then turned it over to Jessica O'Connor as she did the bulk of the work of drafting the amended intergovernmental agreement.

Jessica O'Connor stated that she did the work with Virginia Church. Ms. Church and she sat down and talked about it. She thought that the reason they discussed it together is so that she could take it to her Board in August of this year because they were also addressing the MOU for property

maintenance needing to be updated based on properties that had changed hands several times, so the contract that the City has with the Housing Authority and their contractor wasn't sufficient any longer based on the properties changes. That is what initiated the conversation as well as Ms. Church expressing her desire to update the local agreement to provide for a fifth board member.

Mr. O'Connor stated that the City's Board heard this in August and then again in October and had no problem with the fifth board member. They did have some concerns regarding the staggering of terms, because they do not feel it is a good idea for an entire board to turn over at one time. Additionally, there were some minor things that needed to be addressed. She and Ms. Church looked at the State law because some of the items could not be changed due to the State law and some things we had added. We presented it to the City's Board in October and it was sent over to the County at that time, saying we are good to go let us know what you want to do. The School Board is actually not a party to this agreement, they are a participant in the Land Bank because of the ability of the Land Bank to extinguish taxes. So, if they did not have a Board member, then someone from the Land Bank would have to go to the School Board each time the Land Bank wanted to extinguish the taxes. So, instead we placed one of their people on the Land Bank board and they speak for the School Board. It can be a School Board member or an administrative member of the school system.

Mr. Galloway stated Ms. O'Connor is correct because Mr. Smith has been has represented the School Board in this capacity and she was also correct in the issues of updating maintenance with regard to these properties.

Chairperson Flowers-Taylor stated that her understanding is that in order for taxes to be extinguished, that were School Board Taxes, there were several zones that were set up, but the School Board still had to individually agree to forgive taxes. So, she has an issue with an individual making that decision. Do we know that the School Board will be okay with one person making that decision for them to extinguish taxes on a property?

Ms. O'Connor stated that she couldn't speak for the School Board, but at the time they nominated Jim Smith as their appointment four years ago they were comfortable with it. That was the whole point, they wanted to pick one person so they didn't have to all decide a reasonable time a property was sold because that would become cumbersome for the Land Bank and well as the School Board and the potential buyer.

Jim Smith then advised that as a practical matter they were taking all of those to the Board of Education for their approval, as the abatements were requested. He doesn't believe there was a single time that they sat at the Land Bank Authority and abated taxes without the Board having action as well.

Chairperson Flowers-Taylor then asked if the School Board had not designated that in certain areas they would not extinguish taxes, because there wasn't justification?

Mr. Smith stated he was not aware of any limitation like that.

Tim Shepherd, Board of Education Attorney, stated that when the Land Bank was being formed and the City and County came to the School Board, it was a "gentleman's agreement" that the School Board would have a seat at the table so that the Board would have somebody who could come back to the rest of the Board and tell them what was going on. Under the legislation that created Land Banks, when the Land Bank purchases a piece of property at a tax sale it is not involved forgiving School Taxes, it takes action by the entire School Board. He stated that he is not aware of any Land Bank requests that have come before the Board since the Land Bank has been in existence where the School Board has said no.

Mr. Galloway stated that he is correct that Mr. Smith has been a member of the Land Bank since its start. It was recognizing common sense that the School Board as a taxing entity had financial interest and you would put somebody on there who would be able to report back and keep the School Board updated.

Ms. Church stated that was her understanding of how that position was functioning. Since she came on-board at the Land Bank, she has been taking a group of properties quarterly to the School Board to request that they allow us to expunge their taxes as well as the City and the County taxes. So, every property on which the School Board has expunged the taxes since she started here has gone before the School Board first.

Mr. Wilson then asked if the group is okay with the membership issue?

Ms. Church advised that the State is now requiring that a fifth board member be added, this is something that we need to do to continue as a functioning Land Bank. She wants the 5th person to be the School Board representative.

Cora Flowers stated that that it is understood that we want the fifth member to be from the School Board, but this board was created under an old statute and there is a new statute in place, but the Land Bank is not asking for the power associated with the new statute. So, her question is are we picking and choosing what we want from the new statute? If we are saying by law we are obligated to have a fifth member, but we are not going to assume the other parts of the statute.

Ms. Church then advised that the new statute states that a Land Bank can continue functioning under the old statute as long as they added a fifth board member.

Cora Flowers stated that they can continue under the old statute, but they are legally obligated to have a fifth member. Does the new caveat state that it has to be a School Board person or is that a personal request that we have from our community?

Ms. Church stated that is a request from the Land Bank that the fifth person be a representative of the School Board.

Ms. Flowers then asked for someone to explain how the other appointments are to be divided up at this time. The four appointments that exist.

Ms. Church stated that currently two are appointed by the City Commission and two are appointed by the County Commission for a four-year term.

Mr. Wilson stated that one thing that had been talked about and he doesn't know if the state statute requires that the members shall be residents of the County. He then asked if the State statute requires this?

Ms. O'Connor responded that the State statute does require that the members be residents of the County in which the Land Bank is located.

Mr. Wilson stated that at one time it was thought to have both Community Development Directors as appointees on this as they know what is going on in the County and the City, but both of them reside outside of the County.

Mr. Galloway stated that both Mr. Jacobs and Ms. Bell are usually at the meetings and they still play a valuable role at the meetings. This allows us to coordinate with what policies the City and County need done, if a piece of property happens to be in a geographic location where that is required.

Mr. Wilson stated that it would be killing two birds with one stone since they had to be there any way, if they were the authority it would fill two of the appointments.

Mr. Galloway stated that there are things in the new State statute that he feels are not appropriate for us to use here. It would allow the Land Bank to competitively bid with private enterprise for acquisition of properties on the Courthouse steps. It includes the possibility of issuing taxation authority and he doesn't feel those are appropriate for what this Authority does. He feels it would unnecessarily complicate and make what the Land Bank is supposed to do even more controversial than it can be. So, we have decided to exercise the discretion to not go under that statute, but simply get a fifth member.

Mr. Doss stated that in leading up to this meeting there was some conversation that went back and forth regarding the School Board. Are you asking the School Board to provide this member? There is something that he read that said the City picks that person one year and the County picks that person the next time. He is a little confused on that.

Ms. Church stated that under the current agreement, it is an alternating appointment. Under the new agreement, the School Board will say “here is the person we want to have on the Land Bank” and that person would be jointly appointed by the City and the County.

Mr. McCord then asked if the School Board made their recommendation for appointment would the City or the County be able to choose someone else from the school system. Or are they just simply making the requested appointment to the Land Bank?

Ms. O’Connor stated that the School Board does not have the authority to make any appointments. The Land Bank is only chartered by the City and the County, the School Board member is not even discussed in the enabling legislation except for the expungement of taxes. So, no the School Board does not have the ability to appoint anyone to the Land Bank, we just prefer that they do to make sure they are involved in the decision making process so that when it goes to their Board they are not hearing it for the first time. They have a representative that can speak for them at Land Bank meetings.

This way the Griffin-Spalding Land Bank and the two governing entities who established the Land Bank, the City and the County, have said it is important for us to have a School Board member or administrative employee on the Land Bank. So, they can advise who they would like for that person to do be. In the past, the School Board has made their recommendation and there have never been any issues regarding the appointment. The only change is both the City and the County will have to agree with whomever the School Board says they wish to represent them. We would have to agree and if we didn’t, they would have to bring us someone else.

Mr. Wilson stated that administratively it is hard to try to keep up with who is supposed to appoint on which years when an appointment alternates between the City and the County.

Ms. Flowers then stated that in terms of talking about who the School Board appoints, could the School Board put forth a representative who was not an employee? Could they put forth their attorney? Could they put forth a teacher? Are there limitations? She is only asking because on the City and County side we are not limited to putting employees, we can put community people. It is the responsibility of the School Board to recommend who they want on the Board?

Ms. O’Connor advised that only what we have written in our Contract applies to the Board of Education. There is no State law that has anything to do with the school appointment. This is something we have created ourselves. It has been in there since the beginning, in 2008 it read that the City and the County agreed that on an alternating basis that one of their appointments shall be filled by appointing a member of the Griffin-Spalding County Board of Education or an Administrative employee of the Griffin-Spalding County

School District. So, if you don't want it to be just a Board Member or administrative employee, there is no reason we can't change that. It would be up to the School Board to decide who they want as representation.

Ms. Flowers stated she just wants it to be clear so if there is any discussion as to who can and can't be on the Board, there is clear understanding that the document has clearly defined parameters for who can be a School Board recommended appointee.

Ms. Church stated that currently it reads that they would have to be a School Board member or administrative employee of the school system.

Mr. Wilson then stated that there were some other changes that were made and he feels we need to go ahead and address the staggered terms.

Ms. O'Connor stated that if we are going to go to staggered terms, now would be the time to do that.

Ms. Church recommended that all four appointments be made in 2021, two of the appointments, 1 from the City and 1 from the County and the School Board be a two year appointment with two appointments, 1 from the City and 1 from the County be a 4-year term. Then the appointments could resume being 4-year appointments from then on.

Drew Whalen, City of Griffin attorney then stated that Ms. Church may want to check the State statute, if they are requiring a 4-year term you may have to appoint 4-year and 6-year in order to transition.

Ms. Church then advised that the State statute does require 4-year terms.

Ms. Flowers advised that she is not comfortable appointing someone for six years.

Chairperson Flowers-Taylor then asked if two of the current members could continue on the Board for another two years then be reappointed and go ahead and reappoint the School Board member. She then asked consensus is that the City and County appoint 1 member and that we ask two of the members to continue to serve for another two years.

Ms. Church stated that would be good and staff at the City and County could recommend who should continue on the Board and if the fifth member for the Land Bank is approved, then we would have three 4-year appointments.

Stephanie Windham, Spalding County Attorney, stated that it is her understanding that the City and the County both have a policy that if we don't fill a spot then the person who is currently in that spot continues until it is filled.

Mr. Whalen then asked if we could be mandamus'd to fill those appointments in the next two years?

Ms. Windham stated that is possible, but who is going to do that?

Mr. Shepard then asked when the new agreement would go into effect?

Ms. Church stated that it tentatively had an effective date of January 1st. However, at this point it would go in affect whatever date the two Boards decided and put into the agreement.

Mr. Shepard then stated that technically Jim Smith, under the new agreement would not be qualified to serve.

Ms. Windham stated that he can serve as an appointee of the City or the County.

Chairperson Flowers-Taylor then stated that the expectation is that the City and the County will reappoint someone for a 4-year term as well as someone for the School Board.

Ms. Flowers and Mr. McCord advised they were not comfortable leaving two people on the Land Bank for an additional two years in order to stagger the terms.

Ms. Church then stated that everyone make their appointments for four years and at the 2-year mark, each government request the resignation of one of their appointees and then reappoint that person if they choose to do so.

Ms. Flowers asked that the attorneys needs to look at the law and see what can be done, so that we don't have to continue debating on what can be done.

Ms. Windham advised that she, Mr. Galloway and Mr. Whalen need to look at the law and figure out a way that we can stagger these terms.

Chairperson Flowers-Taylor stated we will wait for a response back from the attorneys on how we can stagger the terms as the State law states the terms are 4-years. She then asked Mr. Wilson what the other concerns were.

Mr. Wilson stated that there were other changes being made and Chairperson Flowers-Taylor had questions regarding the upkeep of Land Bank properties.

Chairperson Flowers-Taylor stated that the County had just become aware that the City has an agreement with the Land Bank to maintain properties. A big issue for the County is once the properties are demolished, the lot is left to grow up or people begin to dump on the lots. While she knows that we are in different situation, but how do we get maintenance done on theses properties in the County? She feels that the County is left out of some of the things, or maybe they don't apply to us.

Ms. O'Connor stated that she was under the impression that when this started back in 2011 the County had no desire to maintain the properties that were located in the County. They stated if there are issues with the properties that County Public Works will take care of it. There were so many more of these properties within the City, we have to maintain because of distance locations between house and properties. The City did not have a choice, they were trying to keep up with it through their Public Works Department and they couldn't. So, the City pays the Housing Authority person who maintains their properties to go out to Land Bank properties and maintain them. We did that before with someone who contracted with the Land Bank and it wasn't working the way the City wanted it to. The City pays approximately \$75,000 a year to make that happen. The City is not receiving anything from the Land Bank, we contracted that out because it was decided that it was worth it for us to do that.

Chairperson Flowers-Taylor clarified that she wasn't saying that the City was getting anything from the Land Bank that the County wasn't getting. She simply wants to make sure that if there is a conversation with the City regarding maintenance or whatever she wants the County to be given the opportunity to also be a part of the conversation. Chairperson Flowers-Taylor then stated that her biggest concern are the houses in her area that are being torn down are in the City. Some of the houses we have in the County are adjacent to the City.

Ms. O'Conner then advised that the contract is between the City, the Land Bank and the Housing Authority as the City or Housing Authority cannot go onto Land Bank properties without their permission. Therefore, the City contracts with the Housing Authority's maintenance crews to maintain these properties and the Land Bank is a party to the contract to allow permission for them to maintain the properties.

Chairperson Flowers-Taylor then asked how do we move forward? Does the Land Bank Authority have any marketing plans as to how they are going to dispose of properties they currently have? Hopefully, once we hit the 12 month period we are exercising the right of redemption and not simply sitting on properties until someone shows an interest in them. Some of the properties are simply unusable? What would it take for you to be able to do that marketing piece? The other side of that, is if we are spending \$35,000 a year in Public Works and the City is spending \$75,000 a year, maybe we actually need to put that into the Land Bank Authority's Budget and let them oversee that. We don't need to sit on these properties, we need to actively try to dispose of them whether they are to adjacent property owners, developers or whatever.

Mr. Galloway stated that everybody wants something that is cheap and Ms. Church has a list of properties that are available. There are approximately three people every day to come to the Land Bank office asking for the list. Now, they want everything on the list for a dollar and they want to be able to

rent it. We have implemented a policy that provides for a standard bid analysis, based upon a projected value that we should be getting from that property. Then when time comes to write the check, some of them don't show up and we have had one where we have sold the property, on Meriwether across from the Historical Society. We sold it to a lady who wanted a house for her family, we sold her the house and we have not heard from her since and she is now in violation of our policies regarding renovation. There are a number of steps at which the effort to sale can fall apart and we have experienced all of them.

Mr. Galloway stated that his goal would be for the Land Bank Authority to be able to flip properties and be self-sufficient, but he has come to the conclusion that given the value and condition of properties, the sizes of the lots and the restrictions that we place on trying to get owner occupants to redo houses. He doesn't thing it is an achievable goal. They will continue to work on it.

Ms. Windham stated that the Land Bank forecloses the right of redemption, but they do not take the next step which would also be cost prohibitive, which is filing a title action. Title insurance companies in the State of Georgia say that you do not have marketable title to property purchased at a tax sale until you have an order from a Judge saying so. So, when people are told they may have to spend \$3-5,000 to obtain marketable title so that you can finance or sell this property, the property suddenly becomes "less cheap" and it makes it more difficult.

Mr. Galloway advised that the Land Bank is not going to sell a piece of property for \$1,000 and then pay to get them a marketable title. We have had people walk away when they learn they have to pay for their own Certificate of Title.

Mr. Wilson stated that once we get a new draft of the document we will place it on the County's February 15th agenda for consideration.

Mr. Galloway then stated that he does want to get confirmation from both governments that the actions the Land Bank is taking now are legally valid and enforceable while we are waiting on the new agreement and appointments.

Mr. Wilson stated that earlier in the meeting it was brought up that you continue to serve until you are either reappointed or someone else is appointed in your spot.

V. ADJOURNMENT

Motion/Second by James Dutton/Rita Johnson to adjourn the meeting for the Spalding County Board of Commissioners, the City of Griffin, the Land Bank Authority and the Griffin-Spalding Board of Education at 3:22 p.m. Motion carried unanimously by all.