



Board Meeting Minutes

DATE: May 6, 2021

BOARD ATTENDEES: Lonnie Hannon, Lyord Watson, Nolanda Hatcher, Brad Green, Robert Burton, Carol Clarke

STAFF ATTENDEES: Caroline W. Douglas, JoAnne Burl, Chelsi Law, Richard Smith, Armand Richardson, Michelle Inman

MEETING DETAILS: The Regular Meeting of the Birmingham Land Bank Authority Board of Directors via Cisco WebEx occurred on Thursday May 6, 2021 at 2:00 p.m.

ROLL CALL

APPROVAL OF APRIL MINUTES:

4.8.21 Resolution Approving April Board Minutes

Presenter: JoAnne Burl Facilitator: None Discussion: Yes

- ✓ **Motion to Approve:** Brad Green
- ✓ **Motion Second:** None
- ✓ **Call for the Vote:** None

Discussion: Question raised by Director Burton as to whether there was a record of the full vote showing who was present for each of the votes to which Director Green responded that the minutes reflect that all in attendance voted unanimously. Director Hatcher added that she was not present, and the top of the meeting minutes reflected her absence. Request made by Director Burton to add the full vote count to the meeting minutes since, due to technical difficulty, he was not present for one of the votes. Caroline Douglas confirmed that the full vote count can be added to the April board meeting minutes. Director Burton proposed making a motion that the April board meeting minutes be approved with an amendment to show the full vote count for each resolution passed.

- ✓ **Motion to Approve with Amendment:** Robert Burton
- ✓ **Motion Second:** Lonnie Hannon
- ✓ **Call for the Vote:** Caroline Douglas

Lonnie Hannon (Y), Lyord Watson (Y), Nolanda Hatcher (Y), Brad Green (Y), Robert Burton (Y), Carol Clarke (Y)

Result: Motion Passed

AGENDA

5.6.21.1 Resolution Approving Applications and Authorizing Board Chair to Execute Agreements with Applicants for Lot Lease Program.

Presenter: JoAnne Burl Facilitator: Chelsi Law Discussion: Yes

Discussion: Question raised by Director Burton asking if the applications involved properties that were part of the side lot or adopt-a-lot program. Chelsi Law confirmed that there is no longer a distinction between a side lot and an adopt-a-lot, but the property should be in the applicant's neighborhood or adjacent to the applicant's home. She further confirmed that all applicants either live next door to the property requested or the property is on the same street as the home where the applicant lives.

- ✓ **Motion to Approve:** *Brad Green
- ✓ **Motion Second:** Robert Burton
- ✓ **Call for the Vote:** Caroline Douglas

Lonnie Hannon (Y), Lyord Watson (Y), Nolanda Hatcher (Y), Brad Green (Y), Robert Burton (Y), Carol Clarke (Y)

Result: Motion Passed

5.6.21.2 Resolution Approving Applications and Authorizing Board Chair to Execute Agreements with Applicants for Quiet Title Program.

Presenter: JoAnne Burl Facilitators: JoAnne Burl/Richard Smith Discussion: Yes
Chelsi Law/Caroline Douglas

Discussion: General Board discussion regarding applicants O2, LLC, Rising Tide/SOZFI1, LLC, Alvin Binns and Wallace Rutledge. Question raised by Director Burton as to why applications for O2, LLC and Rising Tide/SOZFI1, LLC were previously tabled to which JoAnne Burl responded stating that she could not recall. Directors Hatcher and Watson discussed whether the entire resolution should be tabled to which they determined it should not be tabled entirely. Director Clarke requested confirmation as to what will happen if applicants change their minds about the properties requested to which JoAnne Burl confirmed that the properties would go back into the inventory and be made available to other interested purchasers. Lyord Watson requested staff to provide more information on applicants and organizations requesting multiple properties for rentals. Director Clarke requested confirmation that staff recommendations are based on information supporting applicant's ability to follow through to which Richard Smith confirmed that all applications are reviewed by the same decision matrix, which measures the substance of an application. Richard Smith also confirmed that 26 applications are being presented to the Board a second time. The Board determined that application 5726, which was tabled at the April board meeting was approved to move forward due to confirmation from JoAnne Burl that the neighborhood officer was okay with the proposed applicant. Applications for Alvin Binns and Wallace Rutledge were discussed and approved to move forward since they were recently submitted. The Board determined that all applications except those submitted by

O2, LLC and Rising Tide/SOZFI1, LLC should move forward since more information is needed regarding the previous tabling of O2, LLC and Rising Tide/SOZFI1, LLC applications.

- ✓ **Motion to Approve with Amendment:** Nolanda Hatcher
- ✓ **Motion Second:** Lyord Watson*
- ✓ **Call for the Vote:** Caroline Douglas

Lonnie Hannon (Y), Lyord Watson (Y), Nolanda Hatcher (Y), Brad Green (Y), Robert Burton (*Abstain*), Carol Clarke (Y)

Result: Motion Passed

5.6.21.3 Resolution Approving Applications and Authorizing Board Chair to Execute Agreements with Applicants for Immediate Acquisition Program

Presenter: JoAnne Burl Facilitator: JoAnne Burl/Richard Smith Discussion: Yes

Discussion: Question raised by Director Burton about information regarding the applications of Rising Tide/SOZFI1, LLC to which Richard Smith responded stating that Application 5548 was the only application submitted for the property and that the application was sufficient and not warranted to be rejected due to multiple applications. JoAnne Burl explained that Immediate Acquisition properties consist of properties that applicants requested but did not follow through to purchase. Director Green requested clarity regarding the meaning of “minimum bid” to which JoAnne Burl explained that some bids reflect what the Land Bank paid in attorney’s fees (i.e. \$5,000.00) and the Land Bank may charge a bit more if warranted (i.e. \$5,500 or \$6,000). Other bids are what the applicant actually bids. Director Burton proposed approving the resolution with an amendment, removing Rising Tide/SOZFI1, LLC until other concerns about their applications are resolved.

- ✓ **Motion to Approve with Amendment:** Robert Burton
- ✓ **Motion Second:** Nolanda Hatcher
- ✓ **Call for the Vote:** Caroline Douglas

Lonnie Hannon (Y), Lyord Watson (Y), Nolanda Hatcher (Y), Brad Green (Y), Robert Burton (Y), Carol Clarke (Y)

Result: Motion Passed

5.6.21.4 Resolution Authorizing a Request to the Land Commissioner for the Transfer of the State’s Interest of Tax Delinquent Properties Located in the Corporate Limits of the City of Birmingham to the Birmingham Land Bank Authority.

Presenter: JoAnne Burl Facilitator: Chelsi Law Discussion: Yes

Discussion: Question raised by Director Burton regarding the reason for requesting properties from the State of Alabama to which Chelsi Law responded that the properties requested are for

applications approved by the Board for the Lot Lease or Quiet Title program, some of which were approved at this meeting and some of which are requested again due to non-receipt from the state. Confirmation requested by Director Burton that the properties requested are for the Lot Lease and Quiet Title program not Strategic Acquisition program to which Chelsi Law responded in the affirmative.

- ✓ **Motion to Approve:** Robert Burton
- ✓ **Motion Second:** Carol Clarke
- ✓ **Call for the Vote:** Caroline Douglas

Lonnie Hannon (Y), Lyord Watson (Y), Nolanda Hatcher (Y), Brad Green (Y), Robert Burton (Y), Carol Clarke (Y)

Result: Motion Passed

5.6.21.5 Resolution Denying Application Nos. 5785, 5840 and 5841 Previously Approved by Resolution No. 4.8.21.2 for the Quiet Title Program Due to Information Obtained by the Birmingham Land Bank Authority Showing that the Real Properties Requested are Currently Occupied.

Presenter: JoAnne Burl Facilitator: JoAnne Burl/Caroline Douglas Discussion: Yes
Armand Richardson

Discussion: Question raised by Director Hatcher as to how the Land Bank acquires occupied properties to which JoAnne Burl responded that the Land Bank has previously acquired tax deeds not knowing that they were occupied and once the Land Bank determined that a property is occupied, the Land Bank will either move forward with quiet title or retain the tax deed. Question raised by Director Hannon as to the circumstances proving that the properties are occupied to which JoAnne Burl explained that the inspector looks for signs of life. Inspector Richardson explained that the occupant of the property located at 1436 5th St. N contacted the Land Bank office about the property, utilities were on and the property looked like a home. Inspector Richardson also explained that the property located at 1117 15th Pl. SW was a maintained lot with two cars on the property and a meter was present but he could not tell if the power was on. Inspector Richardson also provided that the property located at 1112 15th St. SW was well maintained and showed signs of life. Director Hannon requested clarity as to whether the Land Bank was mistaken as to eligibility of occupied properties to which JoAnne Burl confirmed that the properties are eligible due to the tax delinquency, and that the tax deeds have not been requested. Question raised by Director Hatcher regarding what will happen to the these properties now that are still tax delinquent and occupied to which JoAnne Burl mentioned that the Land Bank is approached by occupants or renters, even when the Land Bank does not have a tax deed, for help from the Land Bank on redeeming the taxes. JoAnne further responded by stating that Caroline Douglas will raise the issue and that more guidance is needed.

- ✓ **Motion to Approve:** Robert Burton
- ✓ **Motion Second:** Nolanda Hatcher
- ✓ **Call for the Vote:** Caroline Douglas

Lonnie Hannon (Y), Lyord Watson (Y), Nolanda Hatcher (Y), Brad Green (Y), Robert Burton (Y), Carol Clarke (*Not Present*)

Result: Motion Passed

5.6.21.6 Resolution Approving the Repurchase, Application and Sale of Property Located at 9057 Beverly Drive, Birmingham, AL 35206 and Authorizing Board Chair to Execute all Documents and Instruments Required to Finalize the Repurchase and Sale.

Presenter: JoAnne Burl

Facilitator: JoAnne Burl

Discussion: Yes

Discussion: JoAnne Burl explained that Ms. Lowe was the first applicant in 2016 for this property and somehow the application was closed, listed for Immediate Acquisition and another applicant purchased the property. In 2021, Ms. Lowe informed the Land Bank of the mistake and JoAnne Burl looked into the matter and contacted the purchaser who agreed to sell the property back to the Land Bank so that Ms. Lowe could make the purchase. Confirmation requested by Caroline Douglas that the Board has already approved the application for Ms. Lowe to which JoAnne Burl responded in the affirmative. Question raised by Director Green regarding whether the lawyers have looked at the transaction due to concerns that Ms. Lowe may run into issues regarding ownership to which Caroline Douglas confirmed that the attorneys have been briefed about the transaction but the documents that support the resolution were reviewed by her and not the attorneys. Attorney Stanley addressed Director Green's concern recommending that the Board can look at the first part of the transaction as a market acquisition and the purchase price is before the board for approval. The second part of the transaction is what takes place once the Land Bank approves an application and conveys the property to a purchaser who is responsible for carrying out the development of the property. Question raised by Director Green as to whether documentation was submitted supporting the purchase price to which Caroline Douglas confirmed that documentation supporting costs for realtors and attorney fees were submitted but no documentation supporting capital gains taxes was received. Director Green requested staff to keep all documentation in the file.

- ✓ **Motion to Approve:** Robert Burton
- ✓ **Motion Second:** Carol Clarke
- ✓ **Call for the Vote:** Caroline Douglas

Lonnie Hannon (Y), Lyord Watson (Y), Nolanda Hatcher (Y), Brad Green (Y), Robert Burton (Y), Carol Clarke (*Not Present*)

Result: Motion Passed

5.6.21.7 Resolution Authorizing a Temporary Pause in the Acceptance of New Applications for Birmingham Land Bank Programming.

Presenter: JoAnne Burl Facilitator: Caroline Douglas/JoAnne Burl/Chelsi Law Discussion: Yes

Discussion: Caroline Douglas, JoAnne Burl and Chelsi Law provided information to the Board supporting the need for an application pause. Director Burton asked for clarity on the start and stop dates and also asked for clarity as to the eleven days between the board meeting date and the proposed start date for the application pause to which Caroline Douglas explained that the pause

would start on Monday, May 17th and reopen on June 28th. Director Burton expressed interest in starting the pause starting on Monday, May 10th, to give interested applicants a couple of days to apply and to make sure that new applicants will use the new application process that staff expressed it wanted to revise. Question raised by Director Hannon asking the staff whether the application pause would be a benefit to which Chelsi Law stated that it would help with the backlog of projects, office tasks, program processes and requirements, compliance checks, and improved communications with the public. Caroline Douglas reiterated for clarity that the applications would be paused beginning May 10th and reopened on June 21st. Director Hatcher suggested to keep the June 28th end date to give the staff more time to complete tasks to which Caroline Douglas agreed.

- ✓ **Motion to Approve as Amended:** Nolanda Hatcher
- ✓ **Motion Second:** Robert Burton
- ✓ **Call for the Vote:** Caroline Douglas

Lonnie Hannon (Y), Lyord Watson (Y), Nolanda Hatcher (Y), Brad Green (Y), Robert Burton (Y), Carol Clarke (*Not Present*)

Result: Motion Passed

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT: Motion to Adjourn Nolanda Hatcher; 2nd Lonnie Hannon

Meeting Adjourned at 01:57:46