



**City of East Point
Monthly Meeting Summary
Business and Industrial Development Authority**

Thursday, August 2, 2018

3121 Norman Berry

East Point, GA 30344

6:30 pm

I. Call to order

Chairperson, Ms. Dharman, established a Call to Order of the East Point Business and Industrial Development Authority (BIDA) meeting at 6:34 pm.

Board Members Present:

Tina Dharman (Chair), Joe Johnson (Vice-Chair), Mayor Holiday-Ingraham, Norman Urquhart, and Brittany Byrom

Others Present:

Maceo Rodgers (Director of Economic Development), Rhonda Appleby (Secretary/Treasurer), Nyomi Haynes (Recording Secretary), and Kirby Glaze (Legal Counsel)

II. Adoption of Agenda

Mr. Johnson motioned to approve the adoption of the agenda. Mr. Urquhart seconded the motion. **Approved unanimously, the motion carried.**

III. Approval of the Meeting Summary from the following meeting:

June 7, 2018 meeting summary.

Mr. Urquhart motioned to approve the summary. Mr. Johnson seconded the motion. **Approved unanimously, the motion carried.**

IV. Chairperson's Report

None.

V. Secretary/Treasurer Report

a. Bank Reconciliation

Ms. Appleby mentioned that Chase Bank was now charging fees on their account because their bank account has fallen below the minimum threshold.

b. Approval of Expenses

Mr. Johnson motioned to approve Ms. Haynes' invoice for transcription services. Mr. Urquhart seconded the motion. **Approved unanimously, the motion carried.**

c. Quit Claim Deeds (Status of property descriptions)

Ms. Appleby informed the board that she could not locate the property descriptions for the two (2) parcels of land at the Commons. She stated that she talked to the City Manager about having a survey done on the properties. Ms. Dharman stated that she had copies of property descriptions that she would forward to Ms. Appleby's attention.

VI. Legal Report

Mr. Glazed informed the board that he and the City Manager have scheduled to meet on August 9, 2018 to discuss the details of BIDA's land transfer and the compensation from the transfer of the land.

Mr. Glaze also informed the board that inside their informational packet was a memo he wrote detailing his response to Marcus & Millichap's request for compensation. According to Mr. Glaze, he and Mr. Maceo Rogers received a demand memo from Marcus & Millichap for commissions pursuant to their Listing Agreement with the board. Mr. Glaze stated that he had reviewed the agreement and determined that Marcus & Millichap misunderstood their scope of services. According to the conditions of the agreement, Marcus & Millichap was to identify and provide BIDA with a developer who was capable of developing the Commons – not to list properties for sale. BIDA was to enter into an agreement with the selected developer in order to develop the property. The agreement recognized that the Commons had various property owners – BIDA, the City, Downtown Development Authority, and third party property owners. These conditions had to be met before Marcus & Millichap received any compensation.

Mr. Glaze went on to state that BIDA selected a preferred developer from the list of developers that Marcus & Millichap brought forward; however, the selected developer was unable to bring forward a development plan that was acceptable to the City. Therefore, according to Mr. Glaze, the services as stated in the agreement were never fully performed. While there were some introductions and discussions with the developers presented by Marcus and Millichap, no formal development plan was approved by all involved parties.

Mr. Glaze went on to state that later on, the City Manager then advised BIDA of a Memorandum of Understanding (MOU) between BIDA and the City that allowed BIDA to be the lead principal on the city-owned properties. The City Manager, in turn, advised BIDA that the City was taking control of the Commons development, which was the main reason behind BIDA transferring properties to the City. This process effectively terminated the MOU. Based on Mr. Glaze's legal opinion, BIDA does not owe Marcus & Millichap any commission. With the

board's directions, Mr. Glaze stated that he would advise Marcus & Millichap that BIDA does not owe them a commission.

Mr. Johnson motioned to authorize Mr. Glaze to advise Marcus & Millichap that they will not receive any commission and for Mr. Glaze to state the reason behind BIDA's decision. Mr. Urquhart seconded this motion. **Approved unanimously, the motion carried.**

VII. Old Business

a. Update of the quit claim deed for 2797 Main Street (Soccer In The Streets)

Ms. Dharman stated that the property title was cleared and that the City had transferred the property to BIDA. Mr. Glaze stated that he has not seen the property's quit claim deed; however months ago, he made a request for the City Attorney to update him on the matter. He does not recall getting a response from the City Attorney but will follow up with him on the matter. Ms. Dharman expressed her concerns about the organization's groundbreaking ceremony taking place without any finalized paperwork. Mr. Glaze stated that BIDA had drafted a Lease Agreement with the organization, which has not been signed and executed. According to the Lease Agreement, before any land improvements can take place, the organization must provide BIDA with their plans and those plans must be approved by BIDA.

Mr. Maceo Rogers stated that the organization already have 50% of their funding in place. Currently, the organization was looking for three (3) of their business partners to agree on a timeframe to begin construction. Mr. Rogers stated that Sanjay Patel, Organizer for Soccer in the Streets, discussed setting up a meeting with the core group. Ms. Dharman stated that she was available on Friday via teleconference.

VIII. New Business

Per Mr. Johnson's request from the June's meeting, Mr. Maceo Rogers stated that he reviewed the property profiles for the trailer park at Norman Berry Drive. According to Mr. Rogers, this area is on the City's 50 Worst Property list. He was able to establish that Mr. Mack Willis and Mr. Steve Warner own the two (2) land sites at the trailer park. According to the Fulton County Tax Assessor's profile, the value for parcel identification number 14-0125LL0309 was listed at \$225,000 and the land value for the adjoining parcel was listed at \$414,640.00. Mr. Rogers provided the board with additional information regarding the land and building values as well as the overall value of those properties – real and personal.

Mr. Johnson stated that the properties are blighted and experience numerous criminal activities. In addition, the City has spent a lot of money on the various utility and sewer issues in that area. Because of this, he stated that the tenants are living in deplorable conditions. Mayor Holiday-Ingraham agreed that the area was deplorable. She stated that one of the many challenges was relocating the tenants. She went on to state that staff has tried to work with the Latin American

Association for some form of assistance in coordinating the relocation of the tenants.

Ms. Dharman highlighted that Councilwoman Karen Rene had enlisted the assistance of Ernesto Bergeron in the matter. She went on to state that it was her understanding that if the area's zoning ordinance was changed to multi-family residential then the owners would be more motivated to sell the land because they could command a higher selling value for the area.

Mayor Holiday-Ingraham inquired about the status of the Pin Strikes Entertainment Center. Ms. Appleby shared that the developer is currently out of the country and was considering appearing before the board at a future date. Ms. Appleby went on to state that the owner was looking at six (6) acres on Creek Pointe Drive, adjacent to Camp Creek Parkway. The Mayor shared that she spoke with a Broker by the name of Mr. Gary Martin about the possibility of developing the entertainment center on one of his building sites. Mr. Martin is currently working on developing portions of Camp Creek Parkway and I-285. The Mayor shared that she could possibly assist the developer in his quest to purchase land for the Bowling alley.

Adjournment

Having no further business, the meeting properly adjourned at 7:00 pm following a unanimous adoption of a motion made by Mr. Johnson and seconded by Mr. Urquhart. **Approved unanimously, the motion carried.**