

MINUTES: JANUARY 25, 2021

FINANCE & PERSONNEL COMMITTEE

7:00 p.m.

Members in Attendance via Videoconference: Sam Crowl, Chair
Jeff Risner, Vice-Chair
Peter Kotses, Member
Arian Smedley, Member

Administrators and/or

Other Elected Officials via Videoconference: President Knisely
Mayor Patterson

ITEMS DISCUSSED:

- 2021 Staffing Levels (amend)
 - Crowl – the Interim Service-Safety Director has requested that the newly hired Street Labor Supervisor be paid at an hourly rate higher than allowed by the City's Non-Union Benefits without City Council approval, and that the increase be retroactive to December 21, 2020, the date of hire into the new position – this employee is moving from a Union position to a Non-Union position and will be losing some benefits -- also, an error needs amended in the 2021 staffing for the Program Specialist – Arts that should read 25% from the Community Center Fund and 75% from the Recreation Fund, it currently reads the reverse
- Internet Auction of Obsolete Municipal Property
 - Crowl – this is an annual ordinance to allow obsolete municipal property to be auctioned pursuant to ORC 721.15(D)
 - Clodfelter – asked if the items being auctioned are made available to the public who might be interested in participating
 - Crowl – there is advance notice – auctioned items are advertised for no less than ten days
- Prior Year Expenses
 - Crowl – need approval to pay \$10,000 from the General Fund, the insurance deductible, to JWF for services rendered on a 2019 claim against the City; and \$141,700 from the Garbage Fund to pay the December invoice from Athens-Hocking Recycling Centers
- Appropriations/Transfers
 - Crowl – appropriations similar to those recently approved for Internal Services, are needed for administrative services for those funds outside of the General Fund – interfund transfers are needed from the Community Development Block Grant Fund to the General Fund, Street Fund, Water and Sewer Funds

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Staffing Levels
2. Internet Auction
3. Prior Year Expenses
4. Appropriations/Transfers

MINUTES
PLANNING & DEVELOPMENT COMMITTEE
JANUARY 25, 2021
7:00 p.m.

Members in Attendance via Videoconference: Chris Fahl, Chair
Jeff Risner, Vice-Chair
Sarah Grace, Member
Arian Smedley, Member

Administrators and/or Other Elected Officials
via Videoconference: President Knisely
Mayor Patterson
Code Director Riggs

Items Discussed:

- Blight and Condemnation (process)
 - Riggs – see attached presentation on blight, condemnation, demolition and eminent domain
 - Fahl – asked how standing water as part of our mosquito control, and overflowing or damaged gutters as health hazards are addressed
 - Riggs – agrees, these are both health concerns and the Code Enforcement Office works with the City-County Health Department in such cases – damaged gutters can end up causing structural problems that can then lead to an unsafe condition
 - Risner – asked how much money the City has invested at the end of this 10-step blight process
 - Riggs – it is a lot, and the Code Enforcement Office typically wouldn't begin this process without good reason, such as a structural problem or a real safety issue
 - Smedley – asked how the Code Enforcement Office is made aware of issues of blight
 - Riggs – probably 25% is observed by our Code Inspectors and 75% is complaint-based
 - Clodfelter – understands that tenants would be removed within 48-hours if a structure is unsafe, and questioned whether that time begins after the 30-day wait of the Notice of Violation and the 15-day wait for the Order to Comply

-Riggs – any tenants would be asked to leave as soon as the structure is identified and deemed unsafe – there is language in the City Code to handle the required move-out of on-premises tenants if a property is deemed uninhabitable – most cases are premises that are vacant – the best outcome is either getting the property owner to make the improvements or to sell the property

-Fahl – if an owner doesn't have the means to repair the house and it is condemned, is there some type of assistance available to them if they are forced to leave

-Riggs – the owner would not typically be forced to leave without some provisions – there are some not for profit organizations in the area that would be contacted for assistance

-Mayor – there are programs through Hocking-Athens-Perry Community Action

-Kotses – from inspection date to completion date for condemnation cases appears to be 9-10 months

-Riggs – it usually takes longer than that; it's a lengthy process

-Smedley – looking at the open cases it appears that most are on the west side – asked if that is the trend

-Riggs – not always the case, but it is the older part of town

-Fahl – clarified that this process is used to maintain the health and safety of the community

- Athens County Land Bank (Ric Wasserman)

-Wasserman – provided an overview – the Athens County Land Bank was instituted in 2018 – it is a private non-profit started by the Athens County Commissioners with a five-member Board, all elected officials; two County Commissioners, Treasurer, City of Athens Mayor, and a Township Trustee – meetings are held monthly – the Athens Land Bank is a tool to address properties that no longer have value – once the Land Bank acquires a parcel, it has the ability to reset the taxes and assessments to \$0 – this is done with the idea of then being able to find someone to take on that parcel, remediate the hazard, and start the process of rebuilding – the Land Bank does not do a lot in the City of Athens because there is usually land value – a Land Bank property has to be both tax delinquent and abandoned – the two condemnation cases on Lancaster Street, on the attached presentation by Code Director Riggs, are on the County's foreclosure list in hopes to recoup taxes and demolition costs through a Sheriff's sale of the property – if these properties were taken through the Land Bank there would be no way to recover these costs – 9 Atlantic, on the list, went to a Sheriff's sale

-Smedley – at what point can the City do more to ensure the neighborhood remains safe and to reduce blight
-Riggs – it is finding a balance of property owner rights and the rights of the community – there must be a property health or safety issue to begin the blight/condemnation process
-Wasserman – City is fortunate to have a Code Enforcement Office that can address these issues

-Kotses – asked if finding an end-user for the property provides additional tools for the Treasurer
-Wasserman – through the goodwill of an end-user, recently two foreclosures on Nelsonville properties are now being improved
-Fahl – added, houses in flood prone areas can be removed and then kept as vacant land
-Wasserman – again, the Land Bank has acquired 16 parcels in Trimble, zeroed out the taxes, and turn them over to the Village – the Village can then leverage those properties with a FEMA grant to remediate the property, and deed restrict them from becoming future building sites

- Special Right-of-Way Permit (University Estates)

-Fahl – the University Estates Homeowners Association is requesting placement of a guardhouse in the City right-of-way

-Mayor – this is the same area where a guardhouse stood once before – it was significantly damaged by a vehicle and subsequently removed – the foundation is still there – the guardhouse actually allowed shelter for some City utilities

-Risner – questioned its function, and whether it could back traffic up onto State Route 682

-Mayor – it is not a gate or a guard, but simply a decorative structure that provided shelter for some utilities that still exist, and are now more exposed to the elements – so, will not impede or inhibit any vehicle from entering or leaving the University Estates neighborhood

-Attendee Solveig Spjeldnes further explained that it is not a useable guardhouse, aesthetic only, and used as a utility cover

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. University Estates

Blighted Properties and Condemnation Process

City of Athens Council Presentation 2021

Blighted Properties

- **Definition of Blight**
 - "Blight." Condition of damage, decay, dilapidation, age, or obsolescence producing inadequate provision for ventilation, light, air, sanitation, or open space, or unsafe and unsanitary conditions, or conditions which endanger lives or properties by fire or other hazards and causes, or conditions conducive to ill health, transmission of disease, or conditions detrimental to the public health, safety, and general welfare, or conditions leading to a significant decrease in property values including but not limited to graffiti, in adjacent properties, or other identified hazards to health and safety.

Blighted Properties

Chapter 29.12. - Premises Conditions

29.12.01. - Sanitary requirements.

(A) All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage including broken trash bags, loose garbage, overflowing containers or an accumulation of excessive waste in a trash storage area. No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or debases the appearance of the neighborhood, adversely alters the appearance and general character of the neighborhood, creates a fire, safety, or health hazard, or is a public nuisance, including, but not limited to (1) broken or dilapidated fences, walls, or other structures, (2) out of use or unusable appliances or automobile parts, and (3) rugs, rags, or other materials hung on lines or in other places upon such premises, which materials are not being used for general household or housekeeping purposes, (4) broken, dilapidated or unusable furniture; mattresses; or paints, miscellaneous coverings and/or any other material placed at or near the premises that contributes to neighborhood blight; (5) graffiti.

Blighted Properties

What triggers the Blight Process

1. Safety or fire hazards
2. Excessive loose trash
3. Broken or dilapidated fences, walls, or other structures
4. Out of use or unusable appliances or automobile parts
5. Unused rugs, rags, or other materials hung on lines
6. Broken, dilapidated or unusable furniture; mattresses

What does not triggers the Blight Process

1. Multiple vehicles parked in driveway – whether or not they are operational
2. Ugly house paint, furnishings, decorations, or landscaping
3. Children's toys, bicycles and playsets
4. Outdoor storage of construction materials, equipment, etc. (time limited)

Blighted Properties

Blight Process

1. Inspect property – violations noted
2. Inspector notifies property owner of violations and requests compliance
3. Re-inspect property – violations noted
4. Prepare and send Notice of Violation (30 day wait)
5. Re-inspect property – violations not addressed
6. Prepare and send Order to Comply (15 day wait)
7. Re-inspect property – violations not addressed
8. Contact Law Directors office to start civil proceedings (29.09.02 - Penalties)
9. Re-inspect property after court deadline – violations noted
10. Contact Law Directors office – Civil proceedings – Judge ruling

Condemnation

- **29.04.01 – Condemnation**

- When a structure or part thereof is found by the code official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, it may be condemned pursuant to the provisions of this code and may be placarded and vacated, and a proper affidavit prepared by the code enforcement office, and such action shall be recorded in the county recorder's office and cross-referenced to the deed to the property. It shall not be reoccupied without approval of the code official. Unsafe equipment shall be placarded and placed out of service.

Condemnation

Condemnation Process

1. Inspection of property
2. Verification that property is unsafe/uninhabitable (may require a warrant from Athens County Court)
3. If unoccupied - notify property owner in writing (allow time to correct issues)
4. If occupied – tenants removed within 48-hours
5. Re-inspect property (may require a warrant). If conditions still exist notify property owner of violation
6. Work with Law Office staff to prepare affidavit and record document at recorders office
7. Placard structure as unsafe/unfit for habitation and order owner to seal structure
8. Once owner attempts to repair/correct deficits re-inspect property to determine if it is safe/inhabitable
9. If owner does not repair – go to demolition process

Demolition

- **Chapter 29.06.01 - Demolition of Buildings**

- The director of code enforcement or service-safety director may order the owner of premises upon which is located any structure or part thereof which, in the code official's judgment, is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, to raze and remove such structure or part thereof; or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure or part thereof.

Demolition

Demolition of Structure

1. Determine if condemned structure is reparable
 - a) Hire appraiser to obtain current property value (may require a warrant from Athens Count Court)
 - b) Obtain updated Athens County Auditor valuation of property
 - c) Obtain reasonable repair cost estimates from contractors
 - d) If repair costs are more than 130% of appraised value or auditor valuation then any repair to the structure is deemed unreasonable
 - Zoning Administrator determines that the structure is a public nuisance and orders the structure be demolished.
 - Obtain cost estimates for demolition work
 - Prepare demolition contract and obtain purchase order to perform work
 - Order contractor to demolish the property
 - e) If repair costs are less than 130% of property value cannot proceed except by Eminent Domain

Demolition

Eminent Domain

ORC 163.021 Taking necessary for public use - blight - veto.

(A) No agency shall appropriate real property except as necessary and for a public use. In any appropriation, the taking agency shall show by a preponderance of the evidence that the taking is necessary and for a public use.

(B) Before an agency appropriates property based on a finding that the area is a blighted area or a slum, the agency shall do both of the following:

(1) Adopt a comprehensive development plan that describes the public need for the property. The plan shall include at least one study documenting the public need. All of the costs of developing the plan shall be publicly financed.

(2) If the agency is governed by a legislative body, obtain a resolution from that legislative body affirming the public need for the property.

(C) No park board, park district, board of directors of a conservancy district, incorporated association with a purpose of establishing or preserving public parks and memorial sites, or similar park authority shall exercise any power of eminent domain to appropriate real property outside the county or counties in which the park authority is located unless the appropriation has the written approval of the legislative authority of each county in which the property is located, other than the county or counties in which the park authority is located.

(D) No agency shall appropriate property based on a finding that the parcel is a blighted parcel or that the area is a blighted area or slum by making that finding in, or in conjunction with, an emergency ordinance or resolution.

(E) If an appropriation is by a public agency that is not elected and an owner has provided the public agency with a written objection to the appropriation, the elected officials of the public agency or elected individual that appointed the unelected agency may veto that appropriation. If the unelected public agency was appointed by more than one public agency or elected individual, a majority vote of the elected officials of the appointing public agencies or elected individuals is required to veto the appropriation. If the public agency that is not elected is a state agency or instrumentality such as a university, the governor has the veto authority. The governor may delegate that authority but may not delegate that authority to the unelected agency that seeks the appropriation.

Effective Date: 2007 SB7 10-10-2007.

CONDEMNATION CASES 2017-2021

PRIORITY	PROPERTY ADDRESS	FILE STATUS	OWNERS NAME	INSPECTING OFFICER(S)	INSPECTION DATE	NOTICE OF VIOLATION SENT	CERTIFIED CARD RETURNED	DATE REINSPECTED	ORDER TO COMPLY SENT	CERTIFIED CARD RETURNED	CONDEMNATION POSTED	FILE SENT TO LAW DIRECTOR	DATE CHARGES FILED	DATE WARRANT ISSUED	DEMO DATE
1	38 Brown	OPEN	William Novak	Eschenbacher	2/3/2017	2/3/2017		3/7/2017	5/2/2018		2/14/2019	5/21/2018			
2	133 Lancaster, N	OPEN - Waiting on Land Bank Determination	William Novak	Eschenbacher	3/28/2018	2/28/2018		7/5/2018							
3	11 Atlantic	OPEN - Working with Owner on repairs	Derrick Van Der Sluys	Mullins/Allison	10/3/2018	On Going	On Going	1/21/2021				1/1/2017			
4	6 Curtis	OPEN	James & Judy Gorman	Mullins	12/13/2018	12/13/2018	12/17/2018	3/30/2020							
5	257 Union, W	OPEN	James & Judy Gorman	Mullins	12/13/2018	12/13/2018	12/17/2018	3/30/2020							
6	259 Union, W	OPEN	James & Judy Gorman	Mullins	12/13/2018	12/13/2018	12/17/2018	3/30/2020							
7	38 Townsend	CLOSED - 4/13/2020 Owner completed repairs	James B Hoon	Mullins	12/17/2018	12/17/2018	1/7/2019	1/25/2019	1/31/2019	2/15/2019			2/12/2020		
8	9 Atlantic	CLOSED - 11/9/2020 Property Sold - Owner working on repairs	Quinn Schaller	Mullins	8/31/2018	8/31/2018		10/3/2018	10/3/2018	10/10/2018		11/16/2018	12/7/2018		
9	1010 Cook	CLOSED / demolished 10/22/2019	Carolyn Clark	Mullins	12/10/2018	12/11/2018	12/17/2018	1/25/2019	1/31/2019						10/22/2019
10	1012 Cook	CLOSED / demolished 10/22/2019	Carolyn Clark	Mullins	12/10/2018	12/11/2018	12/17/2018	1/25/2019	1/31/2019						10/22/2019
		CLOSED - Property met requested corrections - owner still working on property								2/15/2019 03/04/2019 Unclaimed					
11	101 Central		Douglas Binner	Mullins/Nowicki	12/10/2018	12/12/2018	12/17/2018	1/25/2019	1/31/2019						
12	127 Nancaster N.	Closed / Property now vacant lot / City Demolished Structure	William Novak	Eschenbacher	7/18/2017	7/18/2017		9/6/2017	8/21/2017	8/21/2017		3/10/2017	3/10/2017		3/20/2018
13	20 Dalton	CLOSED / Property Corrected and is for Sale	David & Kathleen Gierhart	Mullins	3/28/2019										1/1/2019
14	14 Blick	CLOSED / Trailer Removed	GARY KERBER / Clarence Norman	RPS/Mullins	6/13/2018				6/20/2018		04/27/2018 09/26/2018				3/5/2019