

ATHENS COUNTY LAND REUTILIZATION CORPORATION
BOARD OF DIRECTORS - MINUTES

www.AthensCountyLandBank.com

Location: Virtual Meeting on Google Hangout (meet.google.com/bbz-ywph-ygf)
Day/Time: Wednesday February 17, 2021 at 11:00am
Purpose: Regular Meeting to consider the following business:

Board Administration

1. The meeting was called to order by Ric Wasserman, Chair. Roll Call by Mr. Wasserman - Board members present: Commissioner Lenny Eliason, Commissioner Chris Chmiel, Mayor Steve Patterson (Late), and Township Trustee Gregg Andrews.
2. Approval of agenda. Moved by Mr. Chmiel, 2nd by Mr. Eliason. All Yeas
3. Approval of minutes for the meeting held on January 20th, 2021. Moved by Mr. Chmiel, 2nd by Mr. Eliason. All Yeas
4. Financial Report from Chelsie McKee, Land Bank Treasurer. Summary of January ending balance.

SUMMARY	
Starting Balance	\$ 358,515.02
Actual Income	\$ -
Actual Expenses	\$ 764.00
Ending Balance	\$ 357,751.02

Approval of financial report moved by Mr. Chmiel, 2nd by Mr. Eliason. All Yeas

Business

5. Old Business
 - a. Mr. Wasserman was contacted by OHFA (Administer of NIP) and was told that they would be giving the Athens County Land Bank \$12,500 out of recaptured funds. OHFA promptly sent a check of over \$16,000 to HAPCAP for ACLRC. Mr. Wasserman is currently working with HAPCAP to get the funds sent to the Athens County Land Bank.
 - b. Updates on self-funded demolitions by Mr. Wasserman.

- I. Group G Demolitions. All the houses in Group G have been torn down which includes 189 Ashton Street, 160-180 Carihfield in Nelsonville, 15 Locust Street in Glouster, 14 Main Street, and 19537 Center Street in Trimble. In addition, the burned-out ruins at 111 Monroe Street in Chauncey has been cleaned up. The two demolitions in Trimble Village are also complete.
- II. Group H Demolitions. The newest group of demolitions approved by the Board have been bid out and the bid has been awarded. Hutton Excavating, who previously did 4 demolitions for the Land Bank in Nelsonville, won the bid this time around.

Self-Funded Demos – Group H		
Parcel Number	Address	Target Area
M040080007200	14 Maple Street	Glouster (Trimble Twp)
M040080007100	16 Maple Street	Glouster (Trimble Twp)
M060030009000-200	19616 Maple Street	Trimble (Trimble Twp)
M060020008900	19790 Lake Drive	Trimble (Trimble Twp)

c. Updates on acquisition process/pipeline by Mr. Wasserman.

- I. No properties have been acquired since the last meeting. An expedited foreclosure hearing was held on January 27th, 2021 for 6 DBJ Holding properties. An attorney for a bank who currently has a lien on one the properties joined the meeting and indicated that some parties to the case had not been notified of the final hearing by the Prosecutor. The case was continued to allow for re-notification. Upon receiving notification that attorney, for Merchant’s National Bank, filed a motion to move the case to Common Pleas Court. The Board of Revision will have no choice but to grant that motion when it reconvenes to hear the case on February 18th, 2021. This will cause a significant delay in abating the nuisances relating to these properties, some of which are severely dilapidated. The properties included are 30 Cross Street, 42 Front Street, 14 Barbour Street, 63 E Broad Street (Glouster); 631 Cherry Street (Nelsonville); and 156 Monroe Street (Chauncey).
- II. Filing new cases. 5 new cases were filed late last week from title searches done when Zach Saunders was still there. Also 10 new title searches approved by the board last month are in process at Nolan and Meek so that those cases can be filed as soon as the Prosecutor has those searches in-hand.

d. Update on previously approved projects: Mr. Wasserman:

- I. Abandon Gas Station Projects: 10 High Street, Glouster, M04-00700032-00; 16 Main Street, Chauncey (2020-15). The Ohio EPA suddenly informed the Land Bank that they are deeming the 10 High Street property in Glouster ineligible after nearly 18 months of work on the project. Ohio EPA believes that a scrap metal business operated there for a short time after it was a gas station and that apparently makes it ineligible under their guidelines. The Land Bank’s consultant Tetra Tech is looking into what options we might have to get this back on track.

The project located at 16 Main Street in Chauncey is still on track as far as we know and is waiting its turn in the queue.

- II. Rehabs underway or nearly completed in the County. Projects mentioned at prior meetings: 29 Main, Gloucester; 24 Cherry Street, Gloucester; 614 W. High Street, Nelsonville; 495 Patton Street, Nelsonville; 141 Monroe Street, Nelsonville. Projects slated but not yet underway: 30 Front Street, Gloucester (Integrated Services); 57 Summit Street, Gloucester; 8 S 8th Street, Jacksonville (Habitat for Humanity).
- e. Rural Acquisition Program Projects (Pay-In-Advance):
- I. 16357 S. Canaan Road (2020-14), Letha Matheny. The case has been filed (20BR0016) on this property and should be in publication within a week or two. Final hearing should be in early spring.
 - II. The newest of these projects, approved last month, is the Lodi TWP project on Sargent Road (Land lock parcel). Nathan and Kayleigh Stotts signed their contract and paid the \$2,000 advance to start the process. Case will be handled by Mollica, Gall, Sloan, and Sillery (David Nott) and should be filed in late March. The Treasurer's office will be selling tax lien certificates to the Land Bank after the 30-day notification period.
- f. Update on pending dispositions:
- I. 36 Braun Street. The two remaining end-user applicants have been asked for final information so that the disposition can go to the board for adjudication. No movement here, unfortunately.
 - II. 31 Front Street, Gloucester to Integrated Services to become a community park/garden. They are building a 2-family house across the street. Contract has been approved by Integrated Services and a closing should take place shortly. Disposition was approved by the Board late last year.
 - III. 19596 Maple Street, Trimble. Preliminary approval was given by the Board at December's meeting. The end-user is not ready with all necessary information. Hopefully by next month's meeting.
 - IV. 770/784 Poplar Street, Nelsonville. The end-user plans to demolish both houses and build a new one in their place. This transaction closed earlier this month. The demolition work is expected to proceed soon.
 - V. 156/158 Toledo Street. The potential end-user Alice Duncan would like to put an Amish-style "tiny house" on the property's upper lot (2 Oak Street). She has obtained financing for the structure. The Land Bank is waiting for OHFA to release the NIP mortgage on this property before completing the transfer.
 - VI. 42 Main Street, Gloucester and 19606 Plum Street, Trimble Village. Habitat for Humanity would like to acquire these parcels for builds in 2022. They will demolish the Plum Street property at their expense. The Land Bank is waiting for OHFA mortgage to be released on 42 Main Street before proceeding with that transaction.

6. New Business

- a. Mayor Samantha Sikorski of Gloucester addressed the Board regarding some concerns with Land Bank operations in Gloucester. The Mayor said that Council is concerned they are not being notified of all the end-user applications in all cases, but they would like to be in the future. A person bought a property on High Street when there was another potential end-user who owned a business in town for the past 20-years. Village Council was only notified of the one end-user. If Council was provided the options, they would have suggested ownership to one of their own residents. She said, "The Land Bank is making decisions that affect a town that they do not live in and the Village would like more say in potential end-users."

Mr. Wasserman stated that this policy, which was put in place without a lot of discussion by the board, calls for notification to the local government AFTER the Land Bank has made a preliminary decision. In the specific case mentioned (58/60 High St, LB-2018-11/12) the Land Bank only made the disposition after receiving a letter from the village supporting it based on a presentation the end-user did at a council meeting. Mr. Wasserman stated that The Land Bank is happy to disclose all end-users to the village in the future if they feel that is beneficial to them. Mr. Wasserman further noted that the Land bank, under statute, is responsible for picking the end-user.

Mayor Sikorski also brought to the Board's attention that last year the mowing of Land Bank properties was not done in a timely way throughout the growing season. She stated that, "The Village does not have the time, money or people to maintain these properties..." "We had several complaints from neighboring properties last year that the grass was too high and we are not going to deal with that this year. They need to be maintained or we will issue citations for it."

Mr. Wasserman acknowledged that the Land Bank was tardy in contracting for mowing in Gloucester last year but stated that he will have someone under contract to maintain these Land Bank properties this year. In other villages and cities like Nelsonville, the city mows the properties for the Land Bank under a "Memorandum of Understanding". These MOU's are extremely valuable to the Land Bank as it allows the organization to reserve funds for acquisition and demolition of properties. The previous Mayor of Gloucester had agreed verbally to maintain Land Bank properties when the Land Bank was first created but later reneged on that promise. Mr. Wasserman asked for a copy of the Gloucester ordinance that covers mowing and grass height and Mayor Sikorski said she would send it to Mr. Wasserman.

Mr. Wasserman thanked Mayor Sikorski for bringing her concerns to the Board.

Mr. Chmiel stated the he would like there to be a stronger engagement between the Land Bank and local government, not just a notification of the Land Bank's decision. Mr. Wasserman suggests the board discuss this policy during the upcoming Policy Committee meeting.

- b. Mayor Amy Renner of Chauncey addressed the Board regarding concerns of a Chauncey property. The Land Bank sold 47 Main Street to an entity (Athens Preservation, LTD) owned by David Funk, along with 39 Monroe Street back in June of 2019. This property is located in the lowest elevation of the Village, so endures substantial flooding. The elevation

requirements to perform construction on this property are pretty substantial. Floodplain regulations say that any substantial improvements made (50% of the property value, which is roughly \$28,000) must comply with the elevation requirements of the property.

Mayor Renner stated that David Funk's contract with the Land Bank proposed over \$100,000 worth of improvements to this structure which of course has put the Village at a stand-still since this is well over the 50% Floodplain regulation requirement. The Village is kindly asking the Land Bank to handle these contractual obligations set by the Land Bank and Mr. Funk. The Solicitor for the Village of Chauncey, Robert J. Shostak, asks the Land Bank to take action by revoking the contract with Mr. Funk or require Mr. Funk to comply to the Floodplain regulations while performing the work set forth in the contract.

Mr. Wasserman provided a bit of back story to the situation. 47 Main Street was an early project with the Land Bank, before Mr. Wasserman's time as Treasurer. This disposition was the Land Bank's first ever. The initial discussion was to rehab the structure into a store with an apartment on top. The end-user went to work right away putting a new roof on the building. Sometime after that the end-user encountered some issues with the village and the floodplain regulations. Neither the Land Bank nor Mr. Funk realized that there were floodplain issues with the property before the disposition was undertaken. Though there was no formal notification process in place at the time between the Land Bank and the local government Mr. Wasserman said he did recall speaking to the Village Administrator, Chris Russell about this disposition and though Mr. Russell expressed his opinion that the building might not be salvageable, nothing regarding the floodplain issue was mentioned.

Mr. Wasserman stated he would like to see some sort of compromise and has had several conference calls with village officials and Mr. Funk toward that end but is not sure how to remedy the situation at this point. Mr. Wasserman stated that it is always a possibility with any disposition that the end-user may not be able to complete a project as written in the contract and that we hope they would then come back to the Land Bank to discuss that and negotiate to find the best possible outcome.

Mr. Wasserman acknowledged that Athens Preservation, LTD, as owner of the parcel did agree to a specific rehab and as a last resort, the Land Bank could possibly take a case like this to court to try to obtain some sort of specific performance but he would see that sort of action, which would be expensive and not at all guaranteed to be successful, as a last resort. Mr. Wasserman asked the Village members if the only acceptable outcome is to be torn down. The Solicitor said no that the Village is fine with the structure being rehabbed for the amount Mr. Funk committed to 2 years ago if he is also in compliance to the Floodplain regulations. He further stated that, "We'll be happy to sue...", but the Land Bank must be the leader on the case since the Land bank is the one who signed and agreed to the contract terms. Per to the Village Solicitor, the Village is just a 3rd party beneficiary of this contract. However, the Village can bring legal forces to bear with the Ordinances in place.

The Village expressed that they wish to stay out of this process with Mr. Funk and would much rather the Land Bank take charge of these actions towards Mr. Funk and hold him accountable. The Mayor stated that Village Council was surprised that this property was sold. The Village is trying to get back into the NFIP and property has been a problem in getting that process completed. Mr. Wasserman stated the Mayor at the time was aware of this property being sold to Mr. Funk.

Mr. Wasserman asked if the Village had an approval process regarding building permits and as to whether any discussion was made to Mr. Funk about the permitting process. The Solicitor said the Village has provided Mr. Funk with the local Floodplain Ordinance. Mr. Funk is aware of what the requirements are to keep from violating Floodplain regulations per Solicitor Shostak. Mr. Wasserman also asked if Mr. Funk was required to obtain a permit before any work began. Mayor Renner said as part of the permitting process requires a copy of the elevation certificate which has not been provided to the Village even after requesting it repeatedly. Without a copy of the elevation certificate, it is impossible for the Village to know the extent of the requirements needed by David Funk.

David Funk asked to speak. He stated that at the time of purchasing the property the Land Bank never mention any possible Floodplain concerns or restrictions. Mr. Funk stated that he has provided a copy of the elevation certificate to the city manager twice. Mr. Funk states that he is a foot below the floodplain elevation limit. Mr. Funk cannot spend more than \$14,000 (50% of the home value of \$28,000) towards improvements. Mr. Funk stated that he learned that after putting a new roof on the building. He further stated that the Village Floodplain Ordinance does seem exempt roof work, painting, and weatherization as part of the improvement cost which means he can invest another \$14,000 into the property without violating the regulations. He cannot spend more than \$14,000 due to FEMA and he cannot promise that he will raise the elevation of the building now or in the future. Mr. Funk does not want to affect the Village's FEMA application and they can no longer spend the originally approved \$100,000. Mr. Funk said they would like to be permitted to finish the exterior part of the structure so that it looks "beautiful" and have the inside be either empty or storage. This would keep their spending under the 50% threshold according to Mr. Funk. Mr. Wasserman stated that modifying the original agreement will have to be provided and approved by the board.

Mr. Eliason asked if this modified agreement would be an acceptable proposal to the Village Chauncey. Mayor Renner said this is not a proposal the Village is willing to accept. Mr. Eliason asked if the Village would prefer the building to be torn down compared to the revised proposal and Mayor Renner said yes. Mr. Eliason then asked Mr. Wasserman as to why this cannot be resolved during new business. Mr. Wasserman responded that he had just received the new proposal that morning and had not read it or received any reaction yet from the Village.

Mayor Patterson asked if this "singular property" was significantly impacting the Village's ability to get re-registered with FEMA. Mayor Renner said yes that this one property is hindering the Village Chauncey from getting back with NFIP. Mayor Renner also informed the Board that a decision needs to be made soon because FEMA is coming to review the Village for NFIP approval.

Mr. Wasserman mentioned that the Athens Preservation had submitted a proposal for this property and that may be the best and only solution for this situation. Mr. Wasserman will send the proposal to all Board members and the Village of Chauncey representatives. Mayor Patterson suggests that the Board review the proposal over the next 7 days and hold a special Land Bank session to speed up the decision process for the Village. The Solicitor for Chauncey will provide a response to the proposal by February 23rd and a special meeting will be scheduled for late February or early March.

Mayor Renner also brought up the discussion of the Goins property located at 1 Lexington Avenue and asked if there has been any movement. Mr. Wasserman stated that he has reached out on numerous occasions with no response. As long as the property is lien free and they are willing to negotiate the Land Bank has no problem accepting the property but a response from them is required.

- c. Future Dispositions: Several dispositions are in progress and I hope to bring them to the Board soon. They include:
- I. 615 W. Washington Street (Coffee Cup). It has 2 potential end users with one of them being Hocking College. City of Nelsonville believes an environmental study is required. Potential end-users do not want to pay the cost.
 - II. 19616 Maple Street, Trimble. It has a dilapidated house that will need to be torn down. A potential end user who wants to put a mobile home on the property.
 - III. 1790 State Route 56, Trimble. Level 1 inspection has been completed. Contacting the potential end-users is the next step.
 - IV. 201 Edwards Street, Nelsonville. This is an extremely dilapidated structure. End-user is willing to purchase and demolish.
 - V. 217 Harper Street, Nelsonville. Mentioned under disposition action.
 - VI. 1414/1434 State Route 56, Trimble. Level 1 inspection has been completed. 1 end-user is waiting. Mentioned under disposition action.
- d. Disposition Action:
- I. 217 Harper Street, Nelsonville. Landlord and builder Jeff Lehman has sent a proposal for this property. Originally Mr. Lehman planned to do a parking lot that was not approved by the City of Nelsonville. He has submitted a new proposal regarding a new build that the City of Nelsonville has approved. Motion to transfer the property to Jeff Lehman for \$200 plus documentation costs, as notification has already been provided to the City moved by Mr. Wasserman, 2nd by Mr. Chmiel. Mr. Chmiel made a statement to the Board that the Land Bank needs to have proper written paperwork of all agreements and terms set forth moving forward. Mr. Wasserman mentioned that the Land Bank will have to wait for NIP to release the mortgage on the property as well. All Yeas, none opposed.
 - II. 1414/1434 State Route 56. These two parcels currently hold very dilapidated structures. These properties were foreclosed on by the bank years ago, but they never took possession and never responded to the request to donate the properties. Potential end-user Tracy Helber brought these properties to the Land Bank's attention in 2018. Tracie Helber would like to acquire these properties and propose to demolish at her own expense (estimated cost included with board packet).

Auditor's land value is \$7,490.00. In recognition of demolition costs she is offering the Land Bank \$3,745.00 (half of the Auditor's value) for the properties. Motion to

dispose this property to Tracie Helber moved by Mr. Wasserman, 2nd by Mr. Chmiel. Mr. Chmiel asked questions regarding the properties acreage. Both parcels add up to less than half an acre. Mr. Chmiel would like information about acreage provided to the Board prior to the discussion of dispositions. Mr. Wasserman indicated that though acreage is not currently on any of the Land Bank's forms, he is happy to include any information the board wants but he needs to know what it is the board wants to see.

Mr. Chmiel also asked if a sign has been posted on the property. Aaron Dye, (land bank field-person) indicated that there has not been a sign posted at this property indicating it's availability to those driving by. Mr. Chmiel would like a sign to be posted in the yard and to table disposition until the next meeting to allow potential end-users to review the property. Motion to table this disposition and post a sign on the property moved by Mr. Chmiel, 2nd by Mr. Eliason. All Yeas

- e. New Website. Development has begun for the Land Bank's new website. Website vendor is Realty Pro IDX Web services, a vendor used by several local realtors in Athens County. The Land Bank has paid them \$289.00 for the site design. The Land Bank expects it to be up and running by March 1st which works well with our current website through E Property Plus ends March 15th.
- f. Annual Report. The Land Bank is hoping to produce an annual report recapping the 2020 Land Bank accomplishments.
- g. Policy Committee Meeting. A meeting to discuss updates needed for Land Bank policies. The meeting has been scheduled for Thursday March 4th, 2021 at 2pm.

New Projects

Taxes Owed	Last Pymt	Parcel ID	Owner Name	Property Address
\$573.28	2017	P02001007305, 7400, 7500	Elenore Bateman	Marietta Avenue, Buchtel
\$18,142.53	2014	M06003006300, 6400	John E Smathers	19498 Congress Street, Trimble
\$6,865.27	2020/2014	L020020010700	Maria Augustin	26280 Main Street, Coolville

- a. Marietta Avenue. This property was brought to the Land Bank by the Mayor of Buchtel. It is a priority to the Village of Buchtel. Motion to accept this as a Land Bank project moved by Mr. Wasserman, 2nd by Mr. Chmiel. All Yeas
- b. 19498 Congress Street. From the outside it seems like a decent house. Motion to accept this as a Land Bank project moved by Mr. Wasserman, 2nd by Mr. Chmiel. All Yeas
- c. 26280 Main Street. A small payment was made last year but prior to that a payment had not been received since 2014. Motion to approve this as a Land Bank project moved by Mr. Chmiel, 2nd by Mr. Eliason. All Yeas

7. Scheduling of next meeting, March 17th, 2021.

