

CITY OF OAKWOOD
COUNCIL AGENDA
JANUARY 3, 2022

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. ORGANIZATION MEETING
 - SWEAR IN RE-ELECTED COUNCIL MEMBERS
 - ELECTION OF MAYOR
 - ELECTION OF VICE MAYOR
- V. MINUTES OF DECEMBER 13 REGULAR SESSION AND WORK SESSION
- VI. STATUS REPORTS
 - Council Committee Assignments
 - Citizen Committee Appointments
 - Lieutenant Promotion
- VII. VISITORS
 - Holiday Decorating Awards
- VIII. LEGISLATION
 - An Ordinance to align Property Maintenance Districts with official voting precincts, Vice Mayor Byington
- IX. STAFF REPORT – NONE
- X. AN OAKWOOD MOMENT
- XI. CITY MANAGER’S REPORT
- XII. COUNCIL COMMENTS
- XIII. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR FEBRUARY 7, 2021

AN ORDINANCE

BY: _____

NO. _____

AMENDING SECTION 17-111.4, *PROPERTY MAINTENANCE BOARD*, OF THE OAKWOOD PROPERTY MAINTENANCE CODE TO ALIGN THE CITY'S PROPERTY MAINTENANCE DISTRICTS WITH THE OFFICIAL VOTING PRECINCTS OF THE CITY.

WHEREAS, Chapter 17-111.4 of the Oakwood Property Maintenance Code establishes a Property Maintenance Board to adjudicate various matters arising within five (5) property maintenance districts within the city; and

WHEREAS, to promote administrative and operating efficiency, the City Manager has recommended expanding the number of property maintenance districts from five (5) to seven (7), and aligning the boundaries thereof with the seven (7) official voting precincts of the city; and

WHEREAS, because the Property Maintenance Code requires the appointment of three (3) board members from each property maintenance district, this change would also increase the total number of board members from fifteen (15) to twenty one (21); and

WHEREAS, Council accepts the City Manager's recommendation and desires to amend Section 17-111.4 accordingly;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

Section 17-111.4, *Property Maintenance Board*, of the Oakwood Property Maintenance Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~striketrough~~ font:

17-111.4 **PROPERTY MAINTENANCE BOARD.**

In the International Code, 111.2 created such a board but that section number has been used to provide for appeals from code requirements. This section provides for the creation and membership of a Property Maintenance Board.

- A. Creation and membership: A Property Maintenance Board is hereby created. It shall consist of ~~15~~ persons appointed by the City Council as members, **three (3)** of those members being appointed from persons residing in each of the ~~five districts depicted on the map of the city appended to this code and made a part hereof, marked Appendix B~~ **official voting precincts of the city of Oakwood.** ~~At the time this Property Maintenance Code is enacted, a Citizens Housing Committee is in existence, having been created under the previous Housing Code of the city. Members of that previous committee shall constitute the original members of the Property Maintenance Board, and that committee is now terminated.~~ **At the time this provision is enacted, there are seven (7) voting precincts, meaning the board shall consist initially of twenty one (21) members, three (3) from each precinct. In the event that the number of official voting precincts should increase or decrease, the total number of board members shall change accordingly to reflect a composition of three (3) members from each precinct.**

Also at the time this provision is enacted, there is an existing Property Maintenance Board consisting of fifteen (15) members. In the interest of continuity, the existing terms of those members shall carry over to the board created by this provision, and those members shall continue to serve to the extent that their places of residence comport to the precinct distribution described herein.

- B. Term of office: The terms of board members shall be for 5 years. Appointments shall be attempted to be made in such a manner that the term of no more than one member from any one ~~district~~ **voting precinct** shall

expire in any one calendar year. If any member resigns, dies or ~~moves out of the district~~ **for any reason no longer resides in the voting precinct** from which that member was appointed, a replacement member shall be appointed by the City Council for the balance of the unexpired term of office.

- C. Duties, quorum, and voting: The board shall have the duty to hear and decide all appeals and variances filed under this code, and shall also be responsible for authorizing the issuance of a citation by the city when an owner, occupant or agent fails to take remedial action to correct code violations within a reasonable period of time as determined by the Building Commissioner. The three members from each ~~district~~ **voting precinct** shall constitute the Property Maintenance Board for the purpose of hearing appeals and variances and authorizing the issuance of citations regarding property in that ~~district~~ **precinct**. If one or more of those three persons is unable to serve, any one or more of the remaining members of the board may be designated by the chairperson as replacement(s) so as to provide three persons to hear and decide each case. A majority of the full board of ~~15~~ **21** members shall select a chairperson. Decisions of the board on any appeal or variance shall be made by a majority vote of the three person panel. Failure to obtain a majority vote to reverse or modify a decision or order appealed from shall constitute affirmance of that order. Similarly, failure to obtain a majority vote to grant a variance shall constitute denial of the variance.
- D. Burden of proof: The person who files an appeal or a request for a variance shall have the burden of proving by a preponderance of the evidence that his appeal or variance should be granted. The board shall have subpoena power to compel attendance of witnesses.

SECTION II.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, if required, in compliance with all legal requirements including Ohio Revised Code, Sec. 121.22.

SECTION III.

This ordinance shall take effect as of the earliest date permitted by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this _____ day of _____, 2021.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish by incorporating into the Codified Ordinances of the city.

City Attorney Robert F. Jacques