

**MINUTES OF THE JULY 20, 2020  
REGULAR MEETING OF THE ALLIANCE CITY COUNCIL**

The meeting was called to order by President Pro Tem Cherry at 5:30 P.M. and Councilman Grove then gave the invocation and led the meeting in the Pledge of Allegiance.

**ROLL CALL:** Kris Bugara (remotely), Sheila Cherry (remotely), James Edwards (remotely), Andrew Grove (remotely), Cindy King (joined remotely at 5:54), Edward Lohnes (remotely) and Phillip Mastroianni (remotely).

Minutes of the July 6, 2020 Council Meeting were distributed electronically to all members prior to the meeting. No deletions or corrections were offered by Council Members. Minutes of the meeting were received and filed.

**COMMUNICATIONS:**

1. Memorandum from Mayor Andreani RE: Receipts collected in June of 2020
2. Agenda for the July 21, 2020 Board of Zoning Appeals meeting
3. Notice of July 21, 2020 Special Board of Zoning Appeals Meeting

Motion and Second to record and file the communications tendered to the Clerk. Roll Call: Unanimous. **MOTION PASSED BY ACCLAMATION OF ALL MEMBERS.**

**ADMINISTRATIVE REPORTS:**

**Mayor Andreani:** (remotely): Updated the City COVID-19 statics which included 65 confirmed cases and 2 deaths. Discussed a mandatory mask requirement in public areas and buildings. Noted many businesses are doing so, especially national chains. Stated Stark County is 12<sup>th</sup> in the state in number of cases. The City Administration public access lobbies remain closed.

Noted that Dan Skivolocke, Jen Crist, and Roger Lilly did signage to mark the old historic Williamsport Way which is now known as River Street.

Stated that the efforts to get response to the Census continue with the number of reporting households remain relatively the same as reported at the last meeting. Current reporting levels are at 64.2%. The Door to Door canvassing is scheduled to start on July 31. There is an effort to coordinate a reporting effort with ongoing voter registration drive efforts.

Noted that Face covering masks and social distancing are essential to combat the virus and encouraged all to do that. Stated that Councilman Mastroianni has expressed a desire to have Council put legislation together regarding mandatory face covering in public.

Councilman Mastroianni discussed the possibility of Council putting together an ordinance or resolution to require face coverings in public and not putting all of the responsibility on the private businesses to do. Stated that enforcement may be difficult but stated that Council should take a position to protect the Citizens. This would go a long way to show citizens that Council takes their health and safety seriously.

Councilman Edwards asked if there were any examples of legislation done by other municipalities on the subject. Councilman Mastroianni stated that the City of Athens has done this and he has that legislation. There is an enforcement component in that legislation.

Councilman Lohnes asked if there would be a duration or time frame built into the legislation.

Councilman Mastroianni stated that the Athens ordinance set October as the cut off but that could change as numbers change.

Councilman Bugara asked if the requirement would be for inside, outside or both. Councilman Mastroianni stated that he did not envision outside requirement if social distancing is possible.

Councilwoman Cherry stated that she supported the idea of face covering legislation. She stated we must protect our citizens. Stated she feels Council should hold a workshop to review this as soon as possible.

Law Director requested a copy of the Athens legislation to work from. Councilman Mastroianni stated that he will forward a copy. Councilwoman Cherry stated she also has examples and will forward them as well.

**Safety Service Director Dreger:** (remotely): Discussed the disinfectant by-product testing at the Water Treatment Plant. Reported that the quarterly testing reports were not good and levels are high. Director Dreger stated that this was anticipated due to increased use of the UV system with higher algae levels. Director Dreger stated that part of the problem is the way the EPA wants the reports done and don't reflect the fluctuating levels but that the Treatment plant project designed to address this situation is due to begin in August.

Announced that based upon the success the Street Department crews have been having doing in-house paving, they are working on more projects. The alley between the BMV and the Police Department is being re-done and will show dramatic improvement.

Reviewed Ordinance 55-20. Asking for action on that ordinance tonight and that will put all labor contracts on the same schedule.

Councilwoman King who was having technical difficulties was able to join the meeting (time was 5:54) and President Pro-Tem Cherry noted that no action had been taken to formally excuse President Garnes.

Motion and Second to record and file the communications tendered to the Clerk. Roll Call: Unanimous. **MOTION PASSED BY ACCLAMATION OF ALL MEMBERS.**

**Law Director Arnold:**

Reviewed the action taken to pass Ordinance 47-20 at the last meeting and stated that a public hearing was required prior to passage and no public hearing was held. Asked Council to take action to reconsider the adoption of Ordinance 47-20 and to set a public hearing on it prior to taking further action to adopt or defeat it.

Addressed the enforcement problems with enforcement of a face covering / mask ordinance and noted that the Ohio Investigative Unit have been assisting with such regulations. Stated she will look into what can be requested and what can be done.

**Auditor Knowles:** Stated that there were no issues with the 2019 income tax filings deadline. Stated that there were police officers standing by for assistance with social distancing and related issues if necessary but there were no problems.

Reviewed the Income Tax recapitulation and 2019 comparison and stated that the numbers are

coming back up.

Reviewed the bids for 2020 paving that were opened on July 8<sup>th</sup>. Stated that the bids were favorable and that all three phases of the anticipated project should be able to be completed.

#### **STANDING COMMITTEE REPORTS:**

**Streets & Alley: Bugara:** Thanked Auditor Knowles for covering the paving information and stated he had nothing to add.

**Properties and Lands: Cherry:** Stated that she is working with a young lady to work on some murals related to Black Lives Matter and looking out for safety of others.

**Utilities: Edwards:** No formal report.

**Finance: Grove:** No formal report.

**Community Development: King:** Apologized for being tardy due to her technical difficulties. Stated that the Committee will meet on July 31<sup>st</sup> at 3:00 to discuss disbursement of the CDBG Funds. These are the annual CDBG funds not COVID funds.

**Safety & Judiciary: Lohnes:** No formal report.

**Planning Zoning and Housing: Mastroianni:** Reviewed Ordinance 25-20 and a discovered conflict of interest due to his family's business interests. Consultation with the Law Director has revealed that the best practice would be to recuse himself. Councilman Edwards has agreed to assume sponsorship of the Ordinance and steward it through the process.

Councilman Bugara questioned if the various areas in the rezoning could or should be handled separately and if so, Mr. Mastroianni may not have a conflict with the entire ordinance. Law Director Arnold answered why it was done this way and why the conflict is related to the entire ordinance and the recusal is necessary. Councilman Bugara stated the total revision is no cohesive and wondered how it all comes together in one Ordinance. Some revisions look like mistake corrections. Mayor Andreani answered that at least two of the revisions were mistake corrections from the last revisions, specifically the South Union and Morgan Avenue revisions. Other recommendations come from the Review Committee and then the Planning Commission.

Councilwoman Cherry stated Council should move to table the Ordinance until it is all cleared up. Law Director Arnold and Clerk Yost outlined the Ordinance process and status so that Council knew the time frame for necessary action before the sunset provision of Council rules would be relevant.

Councilman Grove stated that the Planning Commission voted down provisions of the Ordinance and have spoken. What is Council's role? Mayor explained the ultimate decision is with Council but it takes a "Super Majority" Council vote to overturn a Planning Commission decision. Councilman Grove questioned the effect of Councilman Mastroianni abstaining. Is the requirement a supermajority of those participating or of the entire body? Law Director Arnold stated she is unsure of the effect of an abstention and would need time to look at what the required vote would be in this situation.

Councilman Edwards reviewed what action the Planning Commission took on various parts of

the Zoning revisions contained in Ordinance 25-20.

**PUBLIC COMMENT:** Mayor Andreani reported that there were none

**THIRD READINGS:** None

**SECOND READINGS:**

**Ordinance 54-20:** Introduced by Mastroianni: An Ordinance accepting and approving the replat of all of Lots 7736, 7737, 7738, 7739 and 7740 located at 545 Buckeye Avenue, in the City of Alliance, County of Stark, and State of Ohio. Motion and Second to Suspend the rule requiring three readings. Roll Call: Unanimous. Motion and Second to adopt. Roll Call: Unanimous. **ADOPTED.**

**NEW BUSINESS:**

**Ordinance 55-20:** Introduced by Council as a Whole: An Ordinance ratifying a contract between the City of Alliance and the Ohio Patrolman's Benevolent Association (OPBA); and declaring an emergency. Motion and Second to Suspend the rule requiring three readings. Roll Call: Unanimous. Motion and Second to adopt. Roll Call: Unanimous. **ADOPTED.**

**Ordinance 47-20:** Introduced by Mastroianni: An Ordinance vacating a part of two twenty (20) foot alleys, bounded on the North by lot 12084, a 20' alley and lot 12085; bounded on the South by lot 5792 and outlot 87; bounded on the East by lot 11623, lot 11624 and outlot 87; bounded on the West by North Union Avenue/SR 183 in the City of Alliance, County of Stark, and State of Ohio. Motion and Second to reconsider and bring back to the floor. Roll Call: Unanimous. Motion and Second to set a public hearing for September 8, 2020 at 6:00 with the same format utilized for the public hearing for Ordinance 25-20 on July 6<sup>th</sup>. Roll Call: Unanimous. **PUBLIC HEARING SET.**

**OLD BUSINESS:**

**Ordinance 25-20:** Introduced by Mastroianni: An Ordinance amending the Alliance City Zoning Code as adopted by Ordinance 130-05 and subsequently amended. Motion and Second to table action on Ordinance 25-20 until review of input from the Public Hearing. **NO FORMAL ACTION.**

**MISCELLANEOUS BUSINESS:**

**Councilman Bugara:** Expressed a desire for everyone to stay healthy and cool in the midst of this heat wave. Told Councilwoman the article on her and her fight with the Corona virus was very good.

**Councilwoman Cherry:** Asked everyone to do good and be kind to each other. Please wear a mask and sanitize and protect each other.

**Councilman Edwards:** Thanked Councilman Mastroianni for taking the initiative on the Mask / face covering legislation. Expressed the desire for everyone to stay safe.

**Councilman Grove:** Expressed the desire for everyone to stay safe and healthy. Asked if it is okay to discuss his position on the aspects of Ordinance 25-20 with the public if asked. Law

Director Arnold stated there is no “gag order” or other restriction against discussion of the topic with others. Ms. Arnold further stated the only caution is not to discuss it with other Council members outside of Council meetings for fear of violating the sunshine law.

**Councilman Lohnes:** Asked everyone to continue social distancing, mask wearing and sanitization procedures. Stated the public should wear face coverings in public places now.

**Councilman Mastroianni:** Thanked Council for the support and insight into moving forward with face covering legislation.

Motion and Second to adjourn the meeting. Roll Call: Unanimous. **MOTION PASSED BY ACCLAMATION OF ALL MEMBERS.**

**ADJOURNMENT:** Noting no further business to come before this Council President Garnes adjourned the meeting at 6:40 PM.

**SUMMARY OF ACTIONS TAKEN:**

<b>Ordinance 25-20</b>	<b>NO FORMAL ACTION</b>
<b>Ordinance 47-20</b>	<b>RECONSIDERED – PUBLIC HEARING SET</b>
<b>Ordinance 54-20</b>	<b>ADOPTED</b>
<b>Ordinance 55-20</b>	<b>ADOPTED</b>

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**SHEILA CHERRY,  
COUNCIL PRESIDENT PRO-TEM**

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**GERARD T. YOST  
COUNCIL CLERK**