

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, MARCH 4, 2024**

COUNCIL PRESIDENT SLATER – Welcome to the Massillon City Council Meeting for Monday, March 4, 2024. We have in attendance the following City officials: Mayor, Jamie Slutz, Safety Service Director, Renee Baker, Law Director, Justin Richard, and Director of Development, Ted Herncane. Under #5 on the agenda is where the public can speak on any topic that appears on tonight’s agenda and under #17 is where the public can speak on any topic that does NOT appear on tonight’s agenda. I’d like to remind you that if you have a cell phone, please set it to mute, vibrate or turn it off. Thank you.

COUNCIL PRESIDENT SLATER – Roll call.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Holly Bryan-Huth, Jill Creamer, Sarita Cunningham, Julie Harwig Smith, Ed Lewis, Mark Lombardi, Eric Ray and Mike Snee.

Roll call of 8 present

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Councilman Lombardi.

COUNCILMAN LOMBARDI – I make a motion to excuse Councilman Gregg.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Ray. Roll call.

8 yes to excuse Councilman Gregg.

COUNCIL PRESIDENT SLATER – Councilman Gregg has been excused. Councilwoman Bryan-Huth.

2. INVOCATION

COUNCILWOMAN HOLLY BRYAN-HUTH

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILWOMAN BRYAN-HUTH

4. READING OF THE JOURNAL

COUNCIL PRESIDENT SLATER – Thank you, Councilwoman Bryan-Huth. Madam Clerk are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes they are.

COUNCIL PRESIDENT SLATER – Are there any additions or corrections to be made?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT SLATER – If not, then the minutes stand approved as written.

5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

STEVE BAUGHMAN – I'm a local business man. I live in Perry Twp., it's not Massillon. It's the property adjacent to where they're going to build the bit plant. A couple of the problems I'd like to highlight tonight is the water issue and the zoning. I have two homes and the creek, Walnut Creek, come right between both of my properties. It goes through there, goes up across into an industrial park and it goes under the bridge back behind the electric company and this creek floods. I mean this creek when it rains, it floods. Floods both of my homes out. I've got three feet of water in my basement. So, about 2016 is when I started ringing the bell through the water line. I've had Massillon City out there, I've had the Stark County engineers; everybody out there to help me fix this problem. Everything fell on deaf ears; nothing happened. The creek goes across, under the road and it goes right behind the electric company where the old Republic Steel property and it plugged. It doesn't go anywhere from there. Nobody even knows how the water gets to the river. There's no tunnel, there's no pipes. It's mysteriously going down to the ground. That's our problem; it can only take so much at a time. Albrecht Rd. gets two to three feet of water, it can only take so much at a time. If it's a slow rain, it'll handle it. But, if we get a flash rain of two inches to three inches of rain, it can't handle it. It backs up into my yard. I've had three feet of water in my basement. Brand new homes I've built. Two homes with water in the basement. So, it goes down in there and it doesn't go anywhere. Now, if they add any more water to it which they want to do with this building, this'll be 28 acres of concrete and roof. They keep telling you guys that they're going to catch it in a pond, a retention pond. A retention pond, all it does is catch the water. At the bottom of the pond there'll be a 12-inch pipe that lets the water drain out. Builds up, drains out. So now we're going to add 28 acres of water to an already plugged pipe that my creek has to flow into. And, they're going to take the storm sewers; I'd say about 1975 they started building the industrial park behind my house. They had plans of making that road go all the way through there to Albrecht and then making small sections for small businesses back there. Well, they stopped. Ever since then you guys' storm sewers for these roads has been emptying into this lot where they want to build this property and it's been soaking into the ground. Working fine for fifty years. Now they want to build this and that pipe they want to build for you guys for free and I believe they said a forty-inch culvert, they're going to go around and catch all the water, take it right on Main St. and dump it right into the power station. Now mind you, this water, nobody knows where it goes. It just goes down somewhere. So that's going to be a problem. All the storm water that was never going in there is going to be going in there now. All the water from all of these buildings and all these roofs into this pond draining right into there and my creek. There's no way that this can happen. I'm already flooding my home out. I've ringing this water since 2016; a long time and it fell on deaf ears when I told them that. So, I don't even know how this project even got this far without somebody down here coming to you guys and saying "Listen, we got a water problem out here". That creek has to stop flow no matter what. It ain't going to keep flowing. It's going to keep coming through my property. So, if you build this down there and you overload that, you're going to flood me out, both my homes and who knows what else. What do we do when one day we get up and where does the water go? It don't go nowhere. Whatever little bit still working, what if they quit working? Then what are we going to do? To replace this culvert, you'd have to get all the way behind the electric company, all the way down to the railroad tracks and come up clear down to the road. Now this great effort. It would take Beaver

Excavating and the Army Corps. of Engineers to do this all. I couldn't even imagine the cost. That's the problem and that's when the can gets kicked down the road. DiPetro did not let anybody on this property to even look at and he refuses to fix it, flat out. So, it's basically being held hostage, that piece of property and it's a big issue for the City. Because now what are you going to do when you deliver all storm sewers over there that don't go anywhere? How would you even do that? That doesn't even make good sense. So, I don't know how much more time that I've got but I want to bring up the zoning. I want to bring up the zoning, I-2 businesses and they want to put in an I-1 area, this light industrial. When they put this in it was for small businesses. K-Machine, Electriccord, R-Built Kitchen, all the business out there, been working great. Three or four-acre lot, businesses. It's what this industrial park was built for. If the people here in town had a place, they'll have a business. Now they want to put 28 acres, they want to combine lots and make it a large business. This needs to be built, and I tried to tell them that, I told them when they came, I said "Listen, you guys need to build across the street". They got Massive Technology Park right across the street on Ninth St. 350 to 400 plus acres for sale. They're advertising it. This project, if you guys insist and you like it and it moves forward, it has to be built over there. If you don't, you're going to cause yourself a lot of problems because your water...you have nowhere to get rid of your street water. That's the bottom line. Thank you.

COUNCIL PRESIDENT SLATER – Thank you, sir. Please sign the paper right there, would you please.

TIM PHILLIPS – I live on Albrecht St. and pretty sure I'm the only one that stays in Massillon besides Perry of the folks that are here today. I live at the corner on this property and the only thing is that there is definitely a water issue, there's no doubt about it. This place has been flooding out for as long as I can remember. I've been forty years. But we do have an operation. I mean, we have the wetlands in there and we have a creek that runs through there. And we have flood line that runs through there. Not only that, they took a tree out. So now you're going to get more sediment to plug up what's not going through. So you're going to cause an even worse problem. Not only that, there's a capped well where an old gas pipe is under that concrete. Right by the creek and the flood line. They're going to take those trees out and remove that dirt then we'll have another issue. I made some e-mails today. I contacted EPA and asked them to come and take a look because if they move that sediment, this tanks been leaking for forty years. They just removed it within the last ten years. They removed the pump twenty years ago, but they didn't move the tank. The tank leaked all through this property. So, if they start digging that dirt up and that's the dirt they want to use to fill in the creek that they're trying to get the roads, they're going to use that dirt. We were told that they're going to use that dirt. But if they use that dirt, it's contaminated. That's going to flow into the creek and that's going to flow down the river. That's why I contacted EPA today for them to come and take a look. So, there's a lot of bigger issues than what you think. It's just not the water. We got other issues too. I know they plugged one just last month that was operating and producing money; they plugged it. This one was built back probably in the '50's and they took it out because it was getting water in it because it wasn't plugged. It probably wasn't plugged back in the '50's, but it is now. So, if you move that dirt, you've got bigger issues. Hopefully that somebody in City Council or somebody also needs to call the EPA, just not me. Because they may not answer to me, but they'll answer to somebody in City Council or higher up. You might get a better response. So, that's all I'm asking. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

SCOTT SMITH – I live on 17th St., Ward 5. We got a non-citizen make a trip down to Tennessee about the bitcoin, Bitdeer facility and under the I-1 industrial, section 4 or section 3, it says, “To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from offensive noise and vibration...”. They took a video in Tennessee and this is the noise that the Bitdeer facility makes. (Audio is played of loud noise). They were half a mile from this. I drove around today and Tim Phillips is not the only Massillon resident that’s affected by this. There’s over seventy people in Ward 5 that’s going to be affected by this sound. It never stops. 24 hours a day, 7 days a week. Everybody’s going to hear this. You go from peaceful and quiet to this (audio is still playing) for the rest of our lives. It never stops. 24 hours a day, 7 days a week. It never stops. Thank you.

COUNCIL PRESIDENT SLATER – You are welcome.

SCOTT SMITH – Thank you. Anyone else what to speak?

6. **NEW AND MISCELLANEOUS BUSINESS**

Question asked at the February 20, 2024 Meeting:

RE: EEO Officer – Gayle Danzy

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – This has been brought up a few times and we’re trying to get it clear and I figure the best way to respond to this would be to give a little background for the new members of Council and for the public; in 2022, late 2022, it was brought to Council at the recommendation or counsel of our Law Dept. that the configuration at that time was that we had an EEO Officer and our Civil Service Officer were all in one position and that was how it was being managed. Due to some the way it’s supposed to be arranged as far as the oversight of each of those offices individually; that was deemed not appropriate and had to be broken apart in order that we would have proper oversight of supervision of those two positions. So Council did do that in late 2022. In 2023, the EEO Officer position was not filled by the Administration that was in office at that time. Coming into 2024, that position was still left open, but I have spoken with the Administration and they do value what this position does bring to the City. However, the reality is that this position only warrants about twenty hours a week. So what they’re doing is trying to see how they can have this position as well as other job functions that are important and bring value to the city so that they can create a full-time position that would be more lucrative and valuable to people who would want to apply. Obviously, if you have a full-time position you’re going to get your best candidates to come in because you have the better pay and you have the benefits. As it stands now, it would be a part-time position without any benefits. So, in speaking with the Administration, they’re currently evaluating a few other needs within the City that they think would gain value to us and then would bring a proposal to us once they have something configured that would make sense to the City and it would also address this issue.

COUNCIL PRESIDENT SLATER – Thank you. I appreciate that.

COUNCILMAN LEWIS – Excuse me. I have other new and miscellaneous business.

COUNCIL PRESIDENT SLATER – Yes, we’re still there. Go ahead, I’m sorry.

COUNCILMAN LEWIS – I just wanted to take a moment; we do a lot of celebration of our students in this community and I just wanted to take a moment to celebrate our cheerleaders who just took State runner-up this past weekend in the building competition. I’m not sure what building is, but I do know what runner-up at a State competition means and that’s a pretty awesome feat for our girl athletes down there. So, I just wanted to take a moment and recognize them as well.

COUNCIL PRESIDENT SLATER – Mr. Lombardi, will you address the committee assignments, please?

COUNCILMAN LOMBARDI – Thank you, President Slater. Since we’re welcoming Councilwoman Bryan-Huth, we have to get the appointments for committees straightened around here. So, I want to make a motion to remove Councilman Lewis from Public Utilities and Environmental as Chairperson and appoint Councilwoman Bryan-Huth as Chair of Public Utilities and Environmental. Remove myself from Public Utilities and Environmental and move Councilman Lewis into that slot. And then remove Councilman Snee from Rules and Courts and Civil Service and put Councilwoman Bryan-Huth in there. And then remove Mr. Lewis from Parks and Recreation and put Councilwoman Bryan-Huth in there. Any questions?

COUNCILWOMAN HARWIG SMITH – Diane, could you please give everyone on Council the new list?

COUNCIL CLERK ROLLAND – Yes.

COUNCILWOMAN HARWIG SMITH – Thank you.

COUNCIL CLERK ROLLAND – And let’s go over this again, Councilman Lombardi. We’re putting Holly and the chairperson for Public Utilities and Environmental.

COUNCILMAN LOMBARDI – Correct.

COUNCIL CLERK ROLLAND – She is on the committee replacing Ed Lewis on Parks and Recreation.

COUNCILMAN LOMBARDI – Correct.

COUNCIL CLERK ROLLAND – And then Rules, Courts; we’re taking off Snee.

COUNCILMAN LOMBARDI – Correct.

COUNCIL CLERK ROLLAND – Okay. Thank you.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Lewis. Roll call.

8 yes to approve the proposed changes to the Massillon City Council Committees

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT SLATER – Ord. No. 28 – 2024.

ORDINANCE NO. 28 – 2024

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE to accept the dedication of road right of way and easements for Kenyon Creek Estates, Phase 4 subdivision, Massillon, Ohio.

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, President Slater. As stated, this request is to accept the dedication of road right of way and easements of Kenyon Creek Estates, Phase 4. The City Planning Commission approved this plat for the subdivision at the February 14th meeting. This request includes the dedication of 1.27 acres of roadways including extension of the Heron Creek St. and the Wooster Creek St. N.W. There will be twenty-six additional plotted lots in this subdivision and its currently zoned R-1 Single Family Residential. We did have the developer, Mr. Bob Lockhart, present at our Work Session giving us an overview of this request. Do any Councilmembers have any questions or concerns regarding this request at this time?

COUNCILWOMAN HARWIG SMITH – I do.

COUNCIL PRESIDENT SLATER – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Thank you, President Slater. I have multiple concerns. This is going to be a 220 megawatt facility. Twenty-six buildings.

COUNCILMAN LEWIS – Point of Order.

COUNCILWOMAN HARWIG SMITH – Oh, I'm sorry. I'm on the wrong ordinance. No questions.

COUNCILWOMAN CREAMER – First reading.

COUNCIL PRESIDENT SLATER – No more questions. Ord. No. 28 – 2024 has received first reading. Ord. No. 29 – 2024.

COUNCIL PRESIDENT SLATER – Ord. No. 28 – 2024 has received first reading. Ord. No. 29 – 2024.

ORDINANCE NO. 29 – 2024

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE to accept the replat and vacation/dedication of easements for White Tail Creek Development, Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, President Slater. As stated, this request is to accept the replat and vacation/dedication of easements for the White Tail Creek. This site is located on the northwest corner of the 9th St. S.W. and Albrecht Ave. The City Planning Commission did approve the said replat and easement plat at the February 14th meeting. It is zoned I-1 Industrial. We had Mr. Paul Hanson, the project manager present along with the

Civil Engineer, Mr. Kevin Noble, present at the Work Session giving us an overview of this request. I did receive two phone calls after the meeting on Monday night and Tuesday morning from Council Members that had questions regarding this. At this time, do either of those Council Members want to bring their questions forward? Mr. Herncane is here along with, I believe, Amy Hopkins from First Energy to answer any questions.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Since I was one of the ones that called, I'm assuming you are referencing me. I had a question about the energy demands that this company would make and how that would impact our grid and in the case of a failing power in the community, would this company, essentially, receive precedence, meaning that residential people would not have the power that they needed in the case of an emergency?

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Can we please ask Ms. Amy Hopkins to come forward to answer Mr. Lewis' questions and concerns?

COUNCIL PRESIDENT SLATER – Please.

AMY HOPKINS – President, Council, thank you for having me. So to answer your question, we did do a load study back in July 2023. The study determined that they requested 220 megawatts and they requested that it can be served from First Energy's transmission substation without causing any derivateability issues. We also elected to install a new breaker and that will strictly feed and isolate Bitdeer. So, what it will do, it will take from our transmission station and it'll take a line straight to Bitdeer's substation and from there they'll step it down and do what they need to do. That does not come anywhere near the population of Massillon.

COUNCIL PRESIDENT SLATER – Councilwoman Bryan-Huth.

COUNCILWOMAN BRYAN-HUTH – Thank you. What, if any, because of the demand from this proposed building, how would that affect any energy cost in our area?

AMY HOPKINS – It will not affect any energy cost.

COUNCIL PRESIDENT SLATER – Thank you. Councilman Snee.

COUNCILMAN SNEE – Thank you, President Slater. So, it's on its own breaker so if it ever does overload it absolutely will not impact any of the residents in Perry Twp., Tuscarawas Twp., Massillon?

AMY HOPKINS – That is correct.

COUNCILMAN SNEE – Okay. I did receive a few calls about that. That's all I have for now. Thank you.

AMY HOPKINS – You are welcome.

COUNCIL PRESIDENT SLATER – So, are they running a line? Are they putting a whole substation on the property?

AMY HOPKINS – So, Bitdeer is putting in their own substation. They will own that and they will maintain that. We will only provide transmission line to them and then from there they will step it down or do whatever they need to do on their side.

COUNCILWOMAN HARWIG SMITH – Have you guys already entered into a contract with them?

AMY HOPKINS – No. We have done the load study.

COUNCILWOMAN HARWIG SMITH – So, there's no need for a contract? There was one facility in Texas where when the energy demands got up bad and they needed to back off and give energy if they couldn't supply to them because they needed to supply it. Like they actually had to pay the mining company. So, you're not signing any contract or anything like that?

AMY HOPKINS – No. I'm not aware of any contract being signed.

COUNCILWOMAN HARWIG SMITH – Okay.

COUNCIL PRESIDENT SLATER – Councilman Lombardi.

COUNCILMAN LOMBARDI – So I've heard these have been set up in other areas and the contracts made with the power suppliers and I'm not saying its First Energy or anybody, but I just want to make sure that whether or not this a possibility here. But that the contracts were drawn up to where if something would happen that they did not get power that the power company would be paying them a daily rate until power was restored. Is that a possibility with this company?

AMY HOPKINS – I've never heard of that.

COUNCILMAN LOMBARDI – Because I'm just afraid of demand going on with, let's say, we're 97 degrees and everybody's running their air conditioning and their ramped up their operations and I just want to make sure they're not going to be given precedence over the residents in that area.

AMY HOPKINS – No. They have their own dedicated line from our transmission line and from there, they own that substation, so, that's their power plant. That's theirs. They do what they want there.

COUNCIL PRESIDENT SLATER – Councilman Ray.

COUNCILMAN RAY – So just to clarify, if their taking the energy, the power from First Energy with the line that is running directly to their station, it's a dedicated line with a certain amount wattage that's going to them.

AMY HOPKINS – That's correct.

COUNCILMAN RAY – They can't over exceed that, they can't go pass that? If they do, if there's a blackout or they overpower themselves and they have a blackout, only they will be turned out?

AMY HOPKINS – It's on them, yes. That is it.

COUNCILMAN RAY – Alright. Thank you. I just wondered about that.

COUNCIL PRESIDENT SLATER – Any further questions? Councilwoman Creamer.

COUNCILWOMAN CREAMER – So, there's no negative impact to the residents of Massillon.

AMY HOPKINS – To the residents, to commercial residents that we feed, no.

COUNCILWOMAN CREAMER – So, if something would happen to their power station, their power, they are responsible to fix that power station?

AMY HOPKINS – Yes.

COUNCILWOMAN CREAMER – And they would down? They would not be able to capture any other power from our substation because they are going to be running solely on their power station?

AMY HOPKINS – Yes. That is correct.

COUNCILWOMAN CREAMER – Okay.

COUNCIL PRESIDENT SLATER – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, President Slater. Did I understand correctly that the City works with the electric company and the gas company and we have an aggregate so we get a special price. Did I understand correctly that this company coming in will not raise those prices because of them?

AMY HOPKINS – So, I don't work on the regulated side. I do not work on the aggregate side. So, I don't know if they are going to have an aggregate for their power. That's on them, but your rates with First Energy are not going to rise because this company is coming in.

COUNCILWOMAN CUNNINGHAM – Absolutely.

AMY HOPKINS – Absolutely.

COUNCILWOMAN CUNNINGHAM – Thank you.

COUNCIL PRESIDENT SLATER – Any more questions? Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Amy.

AMY HOPKINS – Thank you.

COUNCILWOMAN CREAMER – Are there any other additional questions from anyone at this time?

COUNCIL PRESIDENT SLATER – Councilman Ray.

COUNCILMAN RAY – Yes. I did a little bit of research and I was looking at carbon emissions and, obviously, the noises that the residents were speaking of. The possible idea that the noises would be unbearable, I do believe that throughout the process I was wondering if their water emissions would they still supplement with cyclones? Because if they're building the structure from ground up, they have the ability to make it however they want to and if we can contain or regulate how it's constructed, will we have that access to be able to say "Hey, they did put water emissions in and not cyclones". So I think that's my question; my question is do we have a way of knowing that it's going to actually be water emissions or cyclones?

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I know the request in front of us is just the replat for this dedication of the easement, but Mr. Herncane, could you elaborate or answer anything? I know we're in the initial project, initial phase of this project. Things to consider moving forward.

COUNCIL PRESIDENT SLATER – Thank you, Mr. Herncane.

TED HERNCANE – Mr. President, Mrs. Creamer, Members of Council. Thank you for clarifying that, but yes, the ordinance in front of you is strictly for the replat, relocating to easements and combining a couple of lots. There is a lot steps of governmental approval that needs to come into play before ground is broken if we even get there. Preliminary plans will be sent to the City Engineer's office. There will be conversation back and forth. I would say extensively on this, there usually are comments back and forth on any industrial or manufacturing building project for that degree. So, there will be extensive, by passing this, this is not saying that this is going to be a go. This is the first step to allow that design to take place and those conversations to be had. And I've digested all of the questions and comments from Council and from people over the last two weeks on this. So, if we get to that stage where we are looking at a site plan review meeting or approvals, we will certainly take all those things into consideration. Mrs. Hopkins, I think, did a very good of explaining from the energy standpoint. The site plan review process looks at the water retention and mitigation plan on that site. So, there's a lot of steps still to come and there's a lot of questions to be answered and we'll do that if we get there. Thank you.

COUNCIL PRESIDENT SLATER – Thank you, Mr. Herncane.

TED HERNCANE – You are welcome. Mrs. Creamer.

COUNCILWOMAN CREAMER – And just to clarify, I know Mr. Tim Phillips brought up calling the EPA. I believe Mr. Noble also made a statement that they brought in to do soil studies also last year, if I recall correctly. So, I just wanted to verify that piece that there has been some communication and some work done soil?

TED HERNCANE – That's my understanding from what I heard last week from Mr. Noble as well.

COUNCILWOMAN CREAMER – Okay. Any additional questions from Council Members?

COUNCIL PRESIDENT SLATER – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – As far as the soil samples, I'd be interested to see where they took them from because I was told that there were holes from the soil samples, but none of them were in the area where they actually dumped the Building 9 which concerns me if that's the case. I don't know if we can see the report. The previous owner took soil samples but where he took them from, he didn't take them from the 100 ft. pit that they put Building 9 in. I don't know; that's just what I heard. My other concerns are, obviously, the water issue. That area, all the water where they're putting concrete is how the water absorbs. So when they say that's all concrete, you may be building a pond or whatever, but that still where the water; you're taking away that area of absorption when you're filling it with concrete. Then there's the whole noise issue. Anything over 50 decibels can cause cardiovascular complications, headaches, vertigo, hearing loss, mental health issues, nausea, sleep problems. This is next to a residential neighborhood. We have I-1 Light Industrial zoning and we have I-2 General Industrial zoning. These are I-1 Light Industrial zonings. I'm just going to read a couple little lines. This is Chapter 1169 and Chapter 1171 under our city ordinances if anybody wants to look them up; "The intent of I-1 Light Industrial is designed so as to primarily accommodate wholesale activities, warehouses and industrial operations to external physical effects are restricted to the area of the district and in no manner effect in a detrimental way any of the surrounding districts. The general goals of light industrial, I'm not going to read them all, but I'll skip to number 2; "To protect abutting residential districts by separating them from manufacturing activities by prohibiting the use of such industrial areas for new residential development." So it's projecting from residents going in there but it's like industrial 1 kind of the buffer between residential and industrial. The other thing is number 3; "Light industrial manufacturing development which is free from danger of fire, explosion, toxic manner, radiation and other hazards and from offensive noise and vibrations, smoke, odor and other objective influences". As opposed to Industrial district which they, if they really want to be in Massillon, we have almost five hundred acres of industrial are. Industrial 2 is designed "Primarily for manufacturing, assembly and fabrication activities. Including large scale or specialized industrial operations whose external physical affects will be felt to some degree by the surrounding districts". So, if it's loud and making vibrations and a 24/7 noise, it's okay. It's an Industrial 2. It's expected to feel to some degree of noise. I don't feel this is the proper site. I don't feel this 24 acres is viable to be used at all. So, I'm not comfortable putting together; I really think that this cannot go here and we have a responsibility to educate ourselves, to get as much information. They're coming in here and I guess, I don't know. When did this start, Ted? Did it start with the previous Administration? Because we never heard of anything until last week when it was brought to Council. When did this project start?

TED HERNCANE – They did have discussions with the prior Administration who did not really move on it and then they contacted us the first of the year.

COUNCILWOMAN HARWIG SMITH – Okay. Well, I think we have a responsibility here. The crypto line industry is new. It was outlawed in China for a reason and so now they're flooding into the United States over the past four years and I have read article, after article. I've watched videos. There's videos from CNN, for Fox, local news stations interviewing people how this has ruined their life, ruined the area up to one or two miles. Now they're talking waste containment. They've got some of the biggest facilities. One of their own solutions that they

were reading of how to control the noise is to locate it in remote areas. Not in the middle of a city. Lockdale, their biggest facility is in the middle of, basically, nowhere. Their closest city has a population of 5,000. You can look it up on the aerial. It's all by itself. There were neighbors who went down to Tennessee, to Knoxville which is going to be half the size of this plant and it was so loud but they don't want to disclose who they are because they're getting out because they're so afraid that this is going to come in, harm them, harm their children, harm their bodies, harm their physical well-being. So, it's new. We don't have any specifics. If you guys really want to bring this to Massillon, which I think they're not offering us nothing. They're going to earn 30 million a month. What's that a million dollars a day? They're making tons of money. Mr. Wu who owns this is the second richest man in the bit mining industry in China. This is greed and all this money is back to Singapore. When they first talked to the residents and they made a meeting that no one could get on but two people, nobody could get on because there was no access code, they initially told them 40-50 jobs. So now they're telling us 70. They initially told them that they're going to be bringing in all their own people. One facility said that they can only confirm that there were 4 jobs they'll provide locally. So, how many jobs is it really going to supply? We really don't know. But what is the benefit to our City? What is the benefit? There's more danger and more harm and we could face more lawsuits. When you say that there's one resident, they are our neighbors. Mr. Baughman has had a business in Massillon for almost twenty-five years. They are a part of this community. They've gone to Tuslaw and Massillon schools. So they deserve the same respect. My house is just barely over a half a mile. If this travels a mile or two, well you already got noises, but to have it constant. So you go around and you drive around and there's actually probably over sixty homes that could be affected. They got their new plans to lower it and things to contain the sound and that's great, but there's no guarantees and as of this date none of their facilities are quiet. None. I hope you guys really think about this. That's all I have to say.

COUNCIL PRESIDENT SLATER – Mr. Herncane, would you like to respond?

TED HERNCANE – Okay. I guess the first thing, and I don't know if you want me to hit on all that, but I would say other than the neighborhood that is in Perry Twp. and the other side of the corporation limits, this is probable the most remote, desolate industrialized area in the City. Finerock Industrial Park is immediately north. The former Republic site is immediately east and then there's a First Energy substation to the south. So, the location actually is appropriate for it. Regarding the I-1 zoning, if you look at 1169.02(j), it states "Under permitted uses, other uses of a similar and no more objectionable character to the above uses". I think that one could reasonably argue that data centers or computer servers are less objectionable than a factory, if that was going to be next door to you. Regarding the size, there are facilities throughout this country and the world, frankly, that are very, very large. Two, three hundred thousand square feet. This is nowhere near that and I don't think they ever acknowledged that these buildings don't make noise. I think they acknowledged that they do make noise and through the site plan and plan review process, there is a decibel level that is appropriate in an I-1 area. I don't know what that number is off the top of my head, but we will insure that those sounds are within the allowable limits. The water, yes, there is a water issue south of the First Energy substation. Engineering can trace back through maps through the '30's, '40's, '50's. I think they pin-pointed around 1950 or early '50's when Republic closed in a ditch that caused some water issues south of the parcel owned by First Energy. There are some water issues north and to the west of the neighborhood that's in Perry Twp. and if you look at the contours of that, water flows the way it flows. It doesn't flow uphill; it flows downhill. If you look at their site, and again, they bought this site knowing that they have to do the appropriate detention or retention of the water run-off on their site which is what they're responsible for. They're well

aware that there's some areas there that are of significant interest to them which is why they're going to put their Stormwater retention plan, their detention basin, of course, all of that has to get approved by the City Engineering office as well. So, I hope that at least touches on hopefully most of questions or comments. Oh, and there's one more thing I could add,; "What Massillon gets out of this?". Seventy jobs that will pay approximately \$50,000 a year or so. So, there's tax revenue, collections with that and significant resources for the Tuslaw School District through their hundred plus million-dollar investment. So that's what we get out of it.

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Mr. Herncane. Any additional questions from Council?

COUNCIL PRESIDENT SLATER – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, Mr. Slater. Mrs. Smith, you mentioned that these mines are denied in China. Do you know why?

COUNCILWOMAN HARWIG SMITH – Because of the energy siege, the noise and part of it too, well I really don't know all the reasons. But they banned them and outlawed them because they have problems with already with their infrastructure, most likely.

COUNCILWOMAN CUNNINGHAM – Thank you.

COUNCILWOMAN HARWIG SMITH – And we really, if you look, the states that are having problems, once it's built the complaints just go on deaf ears. No one does anything about it. Because the laws aren't in place in this country. The legislation isn't in the states and the local communities and the local governments; there's no ordinances. There's no ruling. So, they're coming in and just doing whatever, which, I really stress the point that I-1 industrial abuts against residential districts and it's now supposed to allowed this and they cannot, like right now, all of their facilities like say they're going to make these changes to make it quieter, but there is no guarantee. Because right now, 100% of all the facilities are loud and this is a big facility.

COUNCIL PRESIDENT SLATER – This is a first reading, correct.

COUNCILWOMAN CREAMER – I'm not there yet. So, I think we need to research and keep moving. We need to look at, like Julie pointed out, the I-1 versus I-2. We have to look at what our ordinances state regarding noise pollution. These are the things that we need to do. Water, I'd like Mr. Pitts to come at the Work Session because I have more questions about what we heard this. Hopefully he has experience with this type of situation. So, we have additional questions that we need to address. So, yes, I'm giving it first reading tonight.

COUNCIL PRESIDENT SLATER – Thank you. Ord. No. 29 – 2024 has received first reading. Ord. No. 30 – 2024. Appreciate that. Thank you, Mr. Herncane.

ORDINANCE NO. 30 – 2024

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of Parks and Recreation of the City of Massillon, Ohio, on behalf of the Massillon Recreation Board, to advertise for and receive sealed bids and

to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the Recreation Center fitness equipment replacement project, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilwoman Harwig Smith

COUNCILWOMAN HARWIG SMITH – Thank you. This is an estimated project cost of \$125,000. The cardio equipment in the gym at the Rec. Center over seven years old. Life is usually about five years. They're getting 29 new pieces. The Park and Recreation Board passed it unanimously that we need this new equipment. Does anybody have any questions?

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – I believe the current equipment in there is more of like a lease program that they have. Did they speak to that last week?

COUNCILWOMAN HARWIG SMITH – Some of them are leased and some of them or going to be selling them back. He's working on selling stuff back and bring some money in to offset it. It'll probably only be around \$5,000.

COUNCILMAN LEWIS – Just because the value, especially with the cable machines that when the cable mechanisms break they were able to get quick response time.

COUNCILWOMAN HARWIG SMITH – They've been band-aiding some of the machines for a long time. Keeping them going, having them repaired. They're really due.

COUNCIL PRESIDENT SLATER – Thank you, Mr. Lewis. Any more questions?

COUNCILWOMAN HARWIG SMITH – Alright, with that being said, I'd like to waive the rules requiring three readings and bring Ord. No. 30 – 2024 up for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilwoman Creamer. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 30 – 2024 has passed. Ord. No. 31 – 2024.

ORDINANCE NO. 31 – 2024

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending ORDINANCE No. 4 – 2024 and Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997 by changing the name of the position "Police

Secretary” to “Records Specialist” and changing the Class Grade pay schedule for said position, and establishing and creating the position of “Corrections Officer” and establishing the Class Grade schedule for said position within the 305 – 307 “POLICE DEPARTMENT”, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilwoman Harwig Smith

COUNCILWOMAN HARWIG SMITH – Thank you, President Slater. So this ordinance is basically, just what it said. We’re consolidating and we’re going to have a Records Specialist and we’re going to have a Corrections Officer and the Chief has come in and explained how the need is and how this is going to work. Does anybody have any questions? I don’t know if the Chief is here or not. No? Okay. With that being said, I’m going to waive the rules requiring three readings and bring Ord. No. 31 – 2024 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilwoman Cunningham. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 31 – 2024 has passed. Ord. No. 32 – 2024.

ORDINANCE NO. 32 – 2024

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to enter into a one (1) year Agreement with the Village of Wilmot, Ohio, for the purpose of providing prosecutorial services, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is a standard agreement that the Law Dept. makes with the surrounding communities. We pass several of these throughout the year. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings and bring Ord. No. 32 – 2024 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Lombardi. Roll call for suspension.

8 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

8 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 32 – 2024 has passed.

8. UNFINISHED BUSINESS

COUNCIL PRESIDENT SLATER – I was notified by the Clerk of Council, she’s informed me that Mr. Dewalt will be working on the installation of the new PA system beginning Monday, March 11th and March 18th in Council Chambers.

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

US Bank Equipment Finance	-	\$ 234.95	March Payment for Copier
Visual Edge IT	-	<u>68.64</u>	Overage Chg. – 11/24/23-02/23/24
Total	-	\$ 303.59	

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion to pay the bills.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Lombardi. Roll call.

8 yes to pay the bills

COUNCIL PRESIDENT SLATER – The Clerk will pay the bills and charge them to their proper accounts.

11. REPORTS FROM CITY OFFICIALS

Auditor’s Report - February 2024

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion to accept the Auditor’s Report.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Lombardi. Roll call.

8 yes to accept the Auditor’s Report

COUNCIL PRESIDENT SLATER – The Auditor’s Report has been accepted.

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT SLATER – Our next Work Session will be Monday, March 11, 2024, at 6:30 p.m.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. **SECOND READING ORDINANCES AND RESOLUTIONS**

17. **REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**

18. **ADJOURNMENT**

COUNCIL PRESIDENT SLATER – Councilwoman Bryan-Huth.

COUNCILWOMAN BRYAN-HUTH – I make a motion to adjourn.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Snee. Roll call, please.

8 yes to adjourn

COUNCIL PRESIDENT SLATER – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

MIKE SLATER, PRESIDENT