

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, MARCH 18, 2024**

COUNCIL PRESIDENT SLATER – Welcome to the Massillon City Council Meeting for Monday, March 18, 2024. We have in attendance the following City officials: Mayor, Jamie Slutz, Safety Service Director, Renee Baker, Law Director, Justin Richard, Chief Counsel, Earle Wise, Director of Development, Ted Herncane, Police Chief, Jason Saintenoy, Fire Chief, Matt Heck, Income Tax/Budget Director, Lori Kotagides-Boron and Code Enforcement Officer, Dan Fichter. 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, Mike Gregg, Julie Harwig Smith, Ed Lewis, Mark Lombardi, Eric Ray and Mike Snee.

Roll call of 9 present

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

2. INVOCATION

COUNCILWOMAN JILL CREAMER

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILWOMAN CREAMER

4. READING OF THE JOURNAL

COUNCIL PRESIDENT SLATER – Thank you, Councilwoman Creamer. 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 – Then the minutes stand approved as written.

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

JENNIFER PHILLIPS – Good evening. I live in Ward 5. I live on Albrecht St. My home is 50 ft. from the proposed facility and I am a citizen of Massillon. I have multiple concerns like everybody else in this room. I just want to talk a little bit about what I'm most concerned about and that is the noise pollution. We know with 100% certainty that this facility will make a significant amount of noise that will affect our lives. We're getting conflicting answers as to how this is probably going to be mitigated. We talked about this before but I think it's worth reiterating. We know the long-term exposure to noise pollution has negative effects on humans and animals alike. Just a few, hearing damage, sleep disturbances, fatigue, anxiety, stress, decreased concentration; and keep in mind we have children in our neighborhood. Many of us have animals. We know that it causes increase aggression and lower productivity. We know that it makes wildlife scatter. This has already happened as Bitdeer came in and leveled the property. They got rid of every habitat from every living creature that was living on those acres. So, health-wise, we're very concerned about our families. Having said all of that, I did want to address a couple of things about what Mr. Paul Hanson had to say last week with his team of people. He came in and said a lot of things that everybody wanted to hear. But, a few things stuck out at me. He was questioned repeatedly about the decibel level. He said that thirty would be whisper quiet. So, obviously, that's what we want. But he's expecting forty to fifty. He was repeatedly asked if we were going to be able to enjoy our outdoor spaces and thank you for being persistent about that. In my opinion, he seemed to him-haw around and not really know what to say or what good answer to give, so, he finally said you're going to hear the machines. You're going to hear the machines. And then he went on to say that they're going to use their best educated guess to get to this level. So, that's three things that really concern me. A forty to fifty-degree decibel level, you're going to hear the machines and they're going to use an educated guess to get to that point. But not to worry because once it's built, he went on to say, if it's still too loud, we can deal with it at that time. So, I don't know about you guys, but I don't really want to rely on having to rely on that once it's built. I think when they're in there, they're going to be doing their thing, they're going to be making their money; they're not going to care what our neighborhood thinks. They're not going to care about a decibel level. They've won. At that point, they have won. But, we are going to fight this forever, if we have to; as long as we're living in our homes which will be forever because now our homes our unsellable. Would any of you buy a home next to a Bitdeer facility? Probably not. Our values have gone down. So the fact is, they can't tell us what the decibel level is going to be because they've never done this before. They've never made a facility that has been low noise. So, please don't let Bitdeer come into our neighborhoods, come into our city and use that as a testing ground to try to get the decibel level lower. So, in conclusion, some of you might be on the fence about this, some of you might be voting "yes"; please consider what your vote would look like if this facility was going to be built next to your home, next to your family or next to your children. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

LARRY JENKINS – I'm here in solidarity with Ward 5 representation. I live in Ward 2 and we are currently putting up with noise that's been there for the last twelve months. We are in negotiations, apparently, with the company to get this resolved. I can only hope that that happens. But I don't want anybody in this city to have to put up with what we've put up with for the last eight, nine, ten months. It's my experience with this particular company that they'll say whatever they have to do and do whatever they have to do until they're forced to do it which is right and there is cause of concern with regards to health issues. At night time, the sound was so bad that you cannot be able to go to sleep and I don't want this to happen to Ward 5 people too. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

STEVE BAUGHMAN – I live in Perry Twp. I would like to discuss the amendment for the plotting of this property tonight. The two existing storm drains you have on this property right now are dumping out onto several hundred yards in the creek. The creek in question is the one that keep flooding. These drains, it was made for the drains easement for the water to soak into the ground and have time to evaporate. So these city drains are not causing you a problem at this time. They've been like that for 50 years. Nobody has ever heard of any problems out there, have you? No. These drains soak into the ground, they don't make it to the creek. This amendment, you will be giving up your rights for this property to drain your drains on this property. You're giving it up. You're going to now have to take this water, pipe it around 9th St. and said they were going to pipe into their retaining pond. The other one is going to go into the creek directly. Into the plugged creek, okay. So, this is going to be a definite issue that you guys never had to deal with before. There is no way the City of Massillon in good faith can take this storm water and put it into a creek that is plugged. It ain't gonna work. There's no way Bitdeer can build this facility and have a retaining pond that drains into a creek that is plugged. They keep telling us that this is going to make it better. You cannot take thirty acres of water and put it into a retaining pond which drains directly into a creek. That is why the pond is being built next to the creek. The City of Massillon is allowed to flood their own property out and their own roads and any property they govern. The City of Massillon is not allowed to flood out the residents of Perry Twp. Bitdeer is allowed to flood out their own property. Bitdeer is not allowed to flood out the residents of Perry Twp. You are creating low property levels. Their property levels are lowered. You are creating repeatedly property damage and third and utmost, you are creating an atmosphere where young children play by this creek. Flooded water is not good for young children to play around. The last thing we want to do is pull a child from flooded waters. There's a lot to decide here tonight on this project and I assure you, not one person in this building is voting "yes" on this would be willing to live beside it. That being said, I ask City Council to make the right decision here tonight. Thank you.

COUNCIL PRESIDENT SLATER – Thank you, Steve. Anyone else?

CHEYANNE DIEHL – Some of these questions you guys might not be able to answer, but I did want to know if there are any factors that might motivate a small American town to consider the construction of a bitcoin facility particularly when the facility's owner is a Chinese billionaire? Does anybody have any answers? Oh, you can't ask questions? I would just like everyone to consider the questions that I ask then. So, I would also like to know if there are any measures that are going to be put in place to insure that the electricity usage of the proposed bitcoin mining facility will not result in additional cost being passed onto the residents of our town. Once again, I phrase all of these as questions. I wasn't aware that we couldn't ask questions, so, if anyone wants to consider these, just let me know.

COUNCIL PRESIDENT SLATER – What ward do you live in?

CHEYANNE DIEHL – Sorry, what was that?

COUNCIL PRESIDENT SLATER – What ward do you live in?

CHEYANNE DIEHL – Ward 5.

COUNCIL PRESIDENT SLATER – Okay. Send some of those questions to ward councilwoman.

CHEYANNE DIEHL – Okay. Thank you. Thank you very much. Okay, so, one last consideration is I was wondering how the facility would handle electronic waste generated from the mining operations? Mr. Slater, thank you for telling me to send those questions to the ward. I will go ahead and do that. I have them all written out. So, I can do that. Thank you.

COUNCIL PRESIDENT SLATER – Yes ma'am. Anyone else?

JACK RIESE – I live on 17th St. S.W. Now I don't know much about zoning and all this but I don't think that area is zoned back there for that type of factory. In fact, they've bulldozed right up to my property line so I know I'm real close. But, I've dealt with this stuff before when we had Americold move in. They said they was going to take care of everything; the noise, all the trees, the stuff. I was here at a couple of different meetings and they agreed to plant trees around their facility, keep the noise down and have certain lights that weren't shining right directly into my house. I haven't been able to open my windows in my house for twenty years and I can't go out in the back yard. It's so loud that you can't stand it. So I'm thinking all of these guys, I don't know who they are, I don't know much about this project because I didn't hear about it until the day before yesterday and I don't know if Council was. It seems like they weren't informed because I never heard nothing about it. I don't think that right and I don't think they should build that thing back there in that spot. I don't know what the zoning is right there, but I know they changed the zoning on me when I was arguing with Americold about their thing. So, I just want to tell people here tonight that what you're hearing here doesn't always come out the way it's said. I should have gotten things in writing and I didn't. So, I'm just looking ahead so that this don't happen to us again. So I'll have the noise from the new place and the noise from Americold. Thank you very much.

COUNCIL PRESIDENT SLATER – Yes sir. Thank you.

DON AGNES – I live on Carmont which is actually Perry Twp., but I live a mile away from Grief Bros. and can hear that noise twenty-four hours, from Grief Bros. I can't imagine what the sound is going to be coming from this facility and these people that have houses right next door to them. It's going to be crazy. Whenever the asphalt plant is running across the street from Rt. 21, I can hear that and those two sounds from Grief and that are annoying and I'm a mile or two away from each one of those. Let alone these guys living in that neighborhood. So, thank you.

COUNCIL PRESIDENT SLATER – Yes sir.

COUNCILMAN GREGG – Mr. President, may I make a comment?

COUNCIL PRESIDENT SLATER – Yes sir.

COUNCILMAN GREGG – So let me clarify; you are welcome to ask questions tonight, you're certainly welcome to ask questions, but we're not able to answer those questions tonight. We have a process in place where questions that are asked tonight we can get answers and have those for the next meeting. I don't want people to believe that they can't ask questions. That's why we're here, to listen. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

TIM PHILLIPS – Thank you, City Council for letting me speak here today. I was at last week's meeting. Like my wife said, our property is sixty feet away on the corner, sixty feet. The councilman, I can't remember his name, asked about the noxious noise for light industrial and he did mention something about decibel readings. So, my wife and I took it upon ourselves to buy two decibel readers and every one of you got copies and one was taken on Monday afternoon during the middle of the day. From my property all the way down to the proposed site all the way around the corner to every single business, every one of them and you've got them right in front of you. Not one of them was over sixty. Actually, most of them are in the forties. I took the same readings on a Saturday with a different decibel reader and it was exactly the same. So, Monday through Saturday and these places are closed, they operate during the day. But in the evening times those people go home. These places don't run 24 hours a day. So, even with; there's one photograph in here, the tower is in the street and you got a big blower. That was the loudest one and it was at sixty. That was during the day. My last photograph, you'll see is me in my truck driving 40 MPH pass the same facility with my radio on and it was only sixty-four. So, if bitcoin thinks they can keep us under fifty, there's no way possible. The proposed plant was already at forty-five right across the street from the power station. There's no way it can be done. If they can guarantee that, I'll talk or I'll listen. But, from whatever I can read on the internet, if you get on there and look up anything to do with noise from bitcoin factories, it's page after page after page; nothing but complaints. I printed some of them out for you. I ran out of ink, I'm sorry. But I couldn't print all hundreds of them out and I do got one more thing I want to say real quick. Niagara Falls had a bitcoin mine, Niagara Falls. The mayor shut the plant facility down because the neighbors complained so much, they couldn't even hear the water. So, now you guys want some decibel reading we can go by; this mayor, you all have a copy of it, states right here that he will not reopen the plant until a decibel reader's meter is forty to fifty. That was his goal. Now, if they can operate that, they can't guarantee anything. I got every quote from Paul Hanson last week. Can't guarantee anything, everything in our power that we can do. Four hundred feet from a residence. I got all of his quotes, best intent. Their best intent. What the hell is that? There's a hundred and thirty some bitcoin mines in the United States right now. They take 2% of the grid. 2%. Just the bitcoin mines. That's enough for the whole state of Utah. Figure that out. Why are they coming here? They're banned in China. I don't care what they say. I've got the articles. They are banned. They're undermined facilities off the grid that they can't find. That's why we're here. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

DAWN GOODWIN – So, I was here, I first lived on the highway before it was the highway. And then they came in, they destroyed our houses and they put a highway there. Then they put ballfields there. How does this affect our kids? In reality, we have ballfields, we have soccer fields there now. They took them from the middle school and put them there. What happens to our kids? How does this affect our kids? This pollution, it's noise, it's radiation, it's in our lungs. We're going to be breathing it, they're going to be breathing it. We take our children there. Our young infants. Let them go around and play. Those are the infant ones. Those are our little tee-ball kids over there playing. There are, the next step up, I forget because I've done it so long, but the bigger kids are actually found at Community Park. Do you understand how many kids are breathing this, are affected by this? That is one thing that nobody has touched on at any at this point. That is all I wanted to say. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

TODD HAWTHORNE – I live in Ward 5. I am literally fifty feet away. I'm asking any of you, would you want to live fifty feet away? I literally have a second story sitting fifty feet away from the 25 facilities that are about to happen. What would any of you do in this situation? I was feeding deer every day. Now I'm watching squirrels sit on stumps. This is supposed to be a community that's for the environment and you guys do a pretty good job with what you're doing here in this community. Continue to try to do the right thing. Don't put this there. This is light industrial. This is right behind my house. I'm a finish carpenter. I work every single day, twelve hours a day. It's really confusing to me. I'm a cabinet maker and I have respect for people. I leave their houses at a certain time and everybody has time to relax. I have nothing. I have nothing to live for. That's what's going to end up that I just left, after a twenty-six year divorce, took my 82 year old mother to the corner of a tiny little area with a bunch of really cool people in the community and its all going to get stripped away. I'm sorry for the emotion, but this sucks.

COUNCIL PRESIDENT SLATER – Thank you.

L.J DELUCA – I've lived at the Legends of Massillon. I'm in Massillon every day. I'm very upset about this even getting on, to even be considered. I'm very upset. First off, it's going to pollute the air, it's going to guzzle the energy, there's toxins in the air and it's going to make noise. What's going to be left here is a big ugly shell. Has anybody in here seen what these look like? A big ugly shell. I've talked to some people in the Administration and they said, we'll just remarket that. I don't even think Ed Lewis would go with that. This is not right and this Jon Wong Wu is based in China. It's not uncommon today to do business in Singapore. The toxic water, the constant noises. I talked to the health department director. I said "Did anybody talk to you about this?". She said "No, it's the first I've heard about it". I told her that she ought to talk about it and contact the Administration to find out what's going on about it, okay. A company called Marathon is putting another thing. This is going to be rapid. They may even come back to Massillon to get another two or three. This Bitdeer guy, let's talk about him. He's a reconitioner of block change. He's a forty and under billionaire, personal wealth. He's based in China. Also, have any of you looked at some of the reviews? Anybody? Okay, why don't we look at the reviews and here's just some, real quick because there's a lot of them I can't use them. Here's one here; it was in Data Experience, February 21, 2023, "My personal experience is there's support service is the worse I ever had. Their cloud money contacts are very confusing and completely fake. You have to pay for the contract and electricity fees and it's extremely expensive. Many YouTubers lie about the Bitdeer review. Take care. In fact, you pay more on what you own." I got another one here, this one, April 20, 2023, "It's a very difficult site to deal with. It's not clear and technical support is very bad. Yes, they answer, but they don't give you a solution to any problem. I bought a small plan for beginners and I had to get a profit estimate of \$24. But during that month, the mining period for my plan, they made change in my wallet address four time and every time they told me that that wallet has a minimum deposit for bitcoin, 0.0005 and I did not think that's a problem because a profit would come in greater than the amount and finally when the plan period ended, did not enter any amount in wallet". That's just two of many. Is anybody aware of what they do to cool these bit fans? I've seen them. They use what they call immerse cooling service in their thermally conductive direlected liquid or coolant which is a much better heat conductor than air, water and oil. The coolant itself never changes its state. So, with the help of a heat exchanger, the heat is transferred to a cooler water system. The technique

guarantees little or no risk of cooling. I have a lot of things about this here. In 2021, they did stop mining in China.

COUNCIL PRESIDENT SLATER – You’ve got about one-minute left.

L.J. DELUCA – Thank you, President Slater. In 2021, they did stop in the United States. They went down to Texas. The rapid growth of this crypto mining threatens to stain Texas’ grid and raise the rates too, by the way. We’re not getting full transparency of the operation. The public can’t full understand the true impact of the operations on local communities and climate. We have noise pollution. And by the way, I have things that I’ve called all of these people. I didn’t just come in here. I’m a fact guy. Everybody knows me. Ninety-five decibels, this was in Murphy, N.C., you can look it up. Do you know what ninety-five decibels is like? Look that up. It’s like a big highway rig, trailer sound and also it’s like standing next to a running motorcycle. So I say there’s many things that the Mayor can do, that we can do and Ted Herncane can do. We could bring in companies that are going to be nicer for the environment. We can do this. This should have never, ever been even brought up. I’m very disappointed that it’s brought up. Thank you.

COUNCIL PRESIDENT SLATER – The floor is still open. Anyone else?

JENNIFER PHILLIPS – I have a letter here with a petition attached. The letter states, dated today (March 18, 2024) addressed to President, Mike Slater and all of the Council Members including Clerk of Council, Diane Rolland. “I’m a local resident from Massillon, Ohio. I live in Ward 5, a Perry Twp. resident. I started a petition to you and so far I have 284 people that have joined me in the effort. The petition states “Urgent Petition in opposition to Bitdeer mine in Massillon. Say “no”. Please help us protect the prize element of our quality of life and wellness of the southwest side of Massillon. Massillon residents deserve peace and quiet. Quality of life and public health should be on the forefront of the decision-making process when the City of Massillon is considering bringing new businesses to Massillon. Bitdeer’s only noise litigation for the loud bitmining operation which could be up to seventy plus decibels, twenty-four seven, seven days a week is a simple wooden fence and some trees. Bitdeer’s not concerned about noise pollution and various other health issues that have been linked to bitcoin mining operations in a very unregulated industry such as bitcoin mining. Profitability and production are going to drive residents to the brink. As production increases, so does the noise. Profitability and production are in the forefront of Bitdeer’s mind. The health issues that are most concerning to residents including myself living just one hundred and fifty feet away from the site would be stress, sleep disturbance, anxiety and even cardiovascular problems. I have an eleven-year old son. Very smart child. If his cognitive ability is affected by this because he’s stressed and if you’re having sleep disturbances, that would be completely devastating to everyone in our family”. I have a link of the petition. If you would like, I could send it PDF or the version that you would need to see showing my fellow signers for your records. I’d like to ask please a response be given to these concerns and how the city plans to address these critical issues. I think that it’s not just on Bitdeer, it’s on the City as well to address some of these health concerns for the residents. Especially those that are living within a two-mile radius before the plant is built. So, I have the petition here as well and a lot of it we discussed already. But, the concerns that we have living so close to the site is not only the noise pollution but the electricity usage and the environmental affects including pollution to the water because of their cooling, their water cooling methods. They do put chemicals in those waters that are on site there very close to our homes and their retention pond. I have an article attached to the petition about a noisy bitcoin mine. It says “The noise level is described

by people who live near bitcoin mining operations. It's as invasive as a jet engine." This was stated by Craig Ponder, a former Navy meteorologist, a local resident near a bitcoin mine in Washington County, TN. He says "The crypto currency's mining sounds brings back memories. To me, it truly sounds like a jet in our back yard sitting in the turnack, spinning and ready to take off at times. It's worse at night". So, these are things that we don't want to get used to. We don't want to be a resident that lives near a bitcoin mine. Isn't there another site that could be proposed? There are many developers in the City of Massillon. The site we discussed is not even zoned for heavy industrial. So, why would it be so difficult. It doesn't have to be. Another site could be proposed for the development of this mine, if that's what Massillon choses. So, that's all I have today.

COUNCIL PRESIDENT SLATER – Thank you.

WAYNE CRAWFORD – I live in Ward 5. If none of you have done this yet, google "Is bitcoin mining loud?". Arkansas is trying to ban it statewide. They don't want it. They got so many complaints now. The whole state is trying to ban it. New York, Buffalo, Niagara; the entire state. They're trying to go through legislation to keep it out of the entire state. They don't want it on their farmlands, they don't want it anywhere. I live probably 150 yards from one of the buildings that are going to go up. We just put \$30,000 in our backyard. We're retiring. We're all in this neighborhood are getting ready to retire. Now, I can see State Rt. 21. They have lied. They said they're going to leave a buffer zone. Look at your recordings. They're going to leave a buffer zone. That craps gone. There is no buffer zone. They're going to put up a sound proof fence. A ten-foot sound proof fence. Are you serious. With 26 buildings running all day. A ten-foot fence. That's not going to stop anything. They're going to flood us out. Steve has talked about this repeatedly with you guys. We're Perry Twp.; I'm sorry I'm not in Massillon. I can tell you, if this passes, I will never spend a cent in the City of Massillon. We're middle income. We trade in cars every four years. The last eight years, they've been in Massillon. I'm due for a van. Not happening. Pharmacies, grocery stores, sorry Mr. Baughman, I won't be buying tires in Massillon anymore. There's no other way that we can go about is to pull our money. I live in Perry; I'll shop in Perry. I'll go to North Canton; I'll go to Canton. I won't spend a cent in Massillon. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

DEBBY BOSWELL - I live about 150 feet from where this plant is going to be built. Sorry if I get emotional. I chose to live where I'm at right now. I chose it because it was beautiful out there. The wind chimes I have going. The birds, the deer in our backyard. I've raised our daughter there. Now I have three beautiful grandchildren. The other day, my granddaughter asked me she goes, in my neighbor's window, here's Nana's going down the road with her little cart, pushing my grandchildren down Albrecht Ave. and my biggest thing, my granddaughter who just turned four, we would go down Albrecht and go around the turn on 9th St. where they're going to put the buildings, we would stop and pick wildflowers and she goes "Nana, we're going to do that again, right?". I go, "No, honey". The look in that child's eyes to knowing that I can't take her down there because of the noise, because of the water, everything else, that broke my heart. I don't know if you people have children or not. If want to live around there with all that noise, water pollution; not me. I chose when I moved there thirty-five years ago to live there. I did not chose for this company to come in and ruin our lives. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

KEN ESHMANN – I live on 17th St. S.W. I'm roughly three quarters of a mile from that place. Probably a little closer. I didn't come with anything prepared tonight because I kind of wanted to see what was going on here. I'd like to tell you that I am impressed with the people in the City of Massillon. Some of the things that I can add to this, though, is I don't know if anybody in this room has any idea what a constant twenty-four hours a day noise is like. But I can attest to what twenty-four hours a day noise is like. I traveled every one of the fifty states in this nation more than once. I've been around major businesses where I had stay. I drove a truck, I had my own semi. Maybe it doesn't exactly represent what going to supposedly happen down here, but I'm going to tell you. If things don't go right, Massillon's deep pockets aren't deep enough to handle a company like that. Once it's built, I'm kind of like the rest of these folks. It is what it is. It's not going to get any better. The ones that have horses and stuff, I don't know if anybody's ever had animals like that, but if you them horses and the constant noise like that, twenty-four hours a day, it has to affect them. I'm really sensitive to something like that. Not counting the other animals that'll be around there. So, I just wanted to put my little bit in there and thank most of these people here, right out of the gate and the Council people. So, I hope everybody does the right thing and thank you for your time.

COUNCIL PRESIDENT SLATER – Thank you.

MIKE MAXHEIMER – I live on 9th St. in Ward 5. Last time I was here it was about sixteen years ago. I stood before the Mayor at the time and the Council because me and my wife were married about nineteen years; had just had our first two children and have six now. The noise pollution that came in with a night club behind us prevented us from tucking in our daughter, putting her to sleep, singing songs and saying prayers with her and we stood here with our community and we asked for help. And we had a mayor at the time that said this is not right and then we got sued for speaking the truth. A whole neighborhood. And the base line of everything was money. It was money. It wasn't what was best for the people it wasn't what was best for the community, it was money. So now we're here, seventeen years later, in fact, the house was so bad and the resolution to settle out of court was a sound proof fence and shrubs, which did nothing. So me and my wife had to make the hard decision to leave the home that we had saved up for and built and we bought a foreclosed home down the road. Because I had to financially subsidize that home that I could no longer live in because of the sound pollution. And so I paid for that home, didn't want to lose it and I built until one and two in the morning for four months straight so we had another home to raise our kids and then eventually when the place went out of business, I sold the home. You guys are elected by us. You're here to not just ask the question of what is best financially for our city, but what is best for our people, our community, our neighborhoods. There's not one case study out there that says this is beneficial for a community. The only benefit is money. That's it. There's not one case study. In fact, there's many case studies that these have been shut down because of the overwhelming response. This is not a good decision. This is not good for our community. We chose to live here. We could live elsewhere. We chose to do life here. I ran a non-profit ministry, Montage Ministries for thirteen years working with inner city kids because I believe in this community. I believe in the future that it has. I've invested heavily, blood, sweat and tears in this community and into the next generation. Me and my wife have been blessed with six kids. We run our business here. We have rental properties here. We believe in this community with all of our hearts. We chose to live here. So, I'm just simply asking for you guys to consider this. This is an overwhelming response of people here from the neighborhood who care deeply about the neighborhood. This not a good thing. Ed, this is not a good thing, brother. You know it. The money that may come from it may be good. But I believe in you. In fact, everyone here believes in because we voted for you. So we believe

that you have the will power, you have the knowledge to come together and say “How can we bring in a business that is beneficial for our city and in the same tone, beneficial for our neighbors and our community who are the heart and soul of this town”. You can do it. Don’t sell yourself short by bringing in a company that you know in your hearts is not worth bringing in. That is not the right thing to do. I plead to you to look pass the numbers and truly do what is best for the people who stand here with you. Who elected you. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

RACHEL KENNEN – I live in Ward 5. It’s hard to listen to the neighbors and their concerns. There’s a lot of debate and discussion. This will be short. I just want to make sure everybody hears it; this is what this sounds like (plays audio of bitmining noise). Twenty-four seven. Twenty-four seven. I know that’s what this meeting is about today that you guys are here for. Something has to be done as far as ordinances or something preventative before this happens. Before they build and before this all happens so that we as a community aren’t terrorized. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

LARRY JENKINS – I just want to emphasize twenty-four seven. That is what we’re putting up with right now, Ward 5, with Green Meadows Fiber Core. Twenty-four seven. We’re fighting these people. Hopefully we got some conclusions coming up. But we’re fighting the bright lights. I’ve been doing that for fifteen years. Anybody that lives in or near a commercial facility that have these super point security lights has some idea of what we’re talking about. You got to pull the blinds down all the time. You can’t sit out at night on your back porch. Twenty-four seven. Thank you.

COUNCIL PRESIDENT SLATER – I’m going to take a brief moment and let you guys all know that I do appreciate all of you coming out here and the Council will do their best to make the right decisions for everyone. All that I ask you to do is be patient. Let us get through this meeting and make the right choices.

6. **NEW AND MISCELLANEOUS BUSINESS**

COUNCIL PRESIDENT SLATER – The City of Massillon is currently preparing two community development documents that involve funding the City receives from the U.S. Dept. of Housing and Urban Development (HUD). The five-year Consolidated Plan (July 1, 2024 through June 30, 2028) describes the needs, goals, priorities and strategies of the community over a multi-year period. The Annual Action Plan (July 1, 2024 through June 30, 2025) describes the specific activities the City will undertake during the year to spend CDBG funds. A Public Hearing will be held on Monday, March 25, 2024, 6:00 p.m., Massillon City Council Chambers, Massillon Municipal Government Center, One James Duncan Plaza, Massillon, Ohio. The purpose of the public meeting is to invite comments on the goals, priorities, strategies and activities for the Consolidated Plan and the Annual Action Plan. Published in the Independent March 18, 2024. Just so everyone knows, the new PA system has begun already as you can tell by up there by the skylight. Four of the speakers have already been installed. They’ll continue to work on that. At this time, I’d like to let everyone know that the appointment of Councilman Eric Ray to the Tax Incentive Review Council. According to Section 5709.85 of the Ohio Revised Code under Title 57 Taxation for taxable property exemptions for the Tax Incentive Review Council better known as TIRC one of the membership requirements is for

one member of our City Council to be appointed by the Council President to represent our City. At this time, I would like to recognize Councilman Eric Ray for accepting this position. I believe that his expertise in business, his excellent communication skills, he would be an asset not only to TIRC, but also represent Massillon as well. This is, once again, an appointed position and does not need to be voted on. Thank you. Councilman Lewis.

COUNCILMAN LEWIS – Yes. This past week I had the pleasure of going to Cleveland and we were in a Federal Court for mediation and I would like to take an opportunity to discuss that with Council. So, with that, in accordance with Division (G)(3) of Section 121.22 of the Ohio Revised Code, I move that we enter into executive session for the purpose of conferencing with the City's attorneys to discuss pending court actions. I would like to include all Members of Council, the President of Council, the Mayor, Safety Service Director, Director of Development, Law Director, Justin Richard, Asst. Law Director and Chief Counsel into this meeting.

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

9 yes to enter into Executive Session – 7:25 p.m.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – I'd like to make a motion that we exit Executive Session.

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

9 yes to exit Executive Session – 7:35 p.m.

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. We are now back into our Regular Session. Councilman Lewis.

COUNCILMAN LEWIS – Yes. I'd like to make a motion that we amend the agenda adding Res. No. 22 – 2024 to Section 7 of our agenda and it will be the last piece of business to come right after Res. No. 21 – 2024.

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

9 yes to amend the agenda to add Res. No. 22 – 2024

COUNCIL PRESIDENT SLATER – I'd like to bring forward Chris Thomas from Massillon Cable TV. He'd like to speak just for about three minutes. He's been waiting patiently, so, let's get him taken care of.

CHRIS THOMAS – Thank you. Head of Government Affairs for Massillon Cable MCTV. Just wanted to introduce myself. Give you my business card. If have questions, concerns regarding the service whether your own or constituents or anything along those lines, I just wanted you to feel free to reach out to me and I'll do the best I can to resolve whatever questions you have. Any questions? Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

7. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

COUNCIL PRESIDENT SLATER – Ord. No. 33 – 2024.

ORDINANCE NO. 33 – 2024

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, 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 Fire Station No. 4 Addition Project and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Lombardi.

COUNCILMAN LOMBARDI – Yes. This is for the additions that we discussed in the Work Session to Station No. 4. Are there any questions on this? I do plan on bringing this forward for a vote tonight. Seeing none, I make a motion that we suspend the rules requiring three readings and bring Ord. No. 33 – 2024 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

9 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 33 – 2024 has passed. Ord. No. 34 – 2024.

ORDINANCE NO. 34 – 2024

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Capital Improvement Fund, for the purpose of the Massillon Police Department, for the year ending December 31, 2024, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance is just the funding for the Massillon Police Dept., as we discussed last week. Are there any discussions or questions regarding this? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 34 – 2024 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

9 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 34 – 2024 has passed. Ord. No. 35 – 2024.

ORDINANCE NO. 35 – 2024

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a one-year contract between the City of Massillon, Ohio, and the Board of Stark County Commissioners for the housing of City of Massillon, Ohio, Codified Ordinance prisoners at the Stark County Jail, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is a standard agreement that we do every year. It is simply the fee that we are charged for housing our prisoners at the Stark County Jail instead of a jail within our own City. Are there questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 35 – 2024 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

9 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 35 – 2024 has passed. Res. No. 16 – 2024.

RESOLUTION NO. 16 – 2024

BY: COMMITTEE OF THE WHOLE

A RESOLUTION consenting to the Mayor's appointment of Mandy Altimus Stahl to the Historic Preservation Commission of the City of Massillon, Ohio, upon the recommendation of the Massillon Museum, for the term expiring December 31, 2025.

COUNCIL PRESIDENT SLATER – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, Mr. President. Do we all understand that these appointments, we discussed in the Work Session. Does anybody have any questions of these? Seeing none, I'd like to make a motion that we suspend the rules requiring three readings, bringing Res. No. 16 – 2024 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

9 yes for passage.

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Res. No. 16 – 2024 has passed. Res. No. 17 – 2024.

RESOLUTION NO. 17 – 2024

BY: COMMITTEE OF THE WHOLE

A RESOLUTION consenting the Mayor’s appointment of Mike Knight to the Stormwater Review District of the City of Massillon, Ohio, for the term expiring December 31, 2025.

COUNCIL PRESIDENT SLATER – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Slater. Again, if there are no questions, motion to suspend the rules.

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

9 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

9 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Res. No. 17 – 2024 has passed. Res. No. 18 – 2024.

RESOLUTION NO. 18 – 2024

BY: COMMITTEE OF THE WHOLE

A RESOLUTION consenting the Mayor’s appointment of Dave Irwin to the Stormwater Review District of the City of Massillon, Ohio, for the term expiring December 31, 2025.

COUNCIL PRESIDENT SLATER – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Slater. Any questions on this one? Seeing none, I make a motion that we suspend the rules requiring three readings and bring Res. No. 18 – 2024 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

9 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Res. No. 18 – 2024 has passed. Res. No. 19 – 2024.

RESOLUTION NO. 19 – 2024

BY: COMMITTEE OF THE WHOLE

A RESOLUTION consenting to the Mayor’s appointment of Gary Miller to the Stormwater Review District of the City of Massillon, Ohio, for the term expiring December 31, 2025.

COUNCIL PRESIDENT SLATER – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Slater. Are there any questions on this? Seeing none, I make a motion that we suspend the rules requiring three readings and bring Res. No. 19 – 2024 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

9 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Res. No. 19 – 2024 has passed. Res. No. 20 – 2024.

RESOLUTION NO. 20 – 2024

BY: COMMITTEE OF THE WHOLE

A RESOLUTION consenting to the Mayor’s appointment of Cathy Heitger to the Board of Health of the City of Massillon, Ohio, for the term expiring December 31, 2027.

COUNCIL PRESIDENT SLATER – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Slater. Any questions of this one? I make a motion to suspend the rules requiring three readings and bring Res. No. 20 – 2024 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

9 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Res. No. 20 – 2024 has passed. Res. No. 21 – 2024.

RESOLUTION NO. 21 2024

BY: COMMITTEE OF THE WHOLE

A RESOLUTION consenting to the Mayor’s appointment of Sonia Glick-Ullum to the Board of Health of the City of Massillon, Ohio, for the term expiring December 31, 2025.

COUNCIL PRESIDENT SLATER – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Slater. Are there any questions of this one? Seeing none, I make a motion to suspend the rules requiring three readings and bring Res. No. 21 – 2024 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

9 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Res. No. 21 – 2024 has passed. Res. No. 22 – 2024.

RESOLUTION NO. 22 – 2024

BY: FINANCE COMMITTEE

A RESOLUTION authorizing and approving the Director of Law to finalize and enter into a settlement agreement and mutual release, reflected in the material terms attached hereto, reached in the litigation captioned as Towne Plaza, Ltd. V City of Massillon, pending in the United States District Court of the Northern District of Ohio as Case No. 5:23-CV-01730, and declaring the same to be an emergency.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Yes. As we have discussed under Executive Session, the City was in a legal matter with Towne Plaza, Ltd. and we came to mediation last week and we came to terms in which both sides seemed to be pleased as long as this Council comes in approval. In this particular situation, both parties would dismiss any charges against the other in the suits and the City of Massillon would take possession of four (4) properties within the City. One being 10 Lincoln Way E., the second being 14 Lincoln Way E., third being 20 Lincoln Way E. and the fourth being 28 Erie St. N. So, that is the basic part of this and what this will do is this will do allow us or have us authorizing the Director of our Law Dept. is able to finalize these agreements and execute as necessary. Are there any discussion or questions this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Res. No. 22 – 2024 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

9 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Res. No. 22 – 2024 has passed.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

LocaliQ - \$ 1,299.20 Publication of October & November 2023 Ordinances

COUNCIL PRESIDENT SLATER – Councilman Lewis.

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

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

9 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

Treasurer's Report - January 2024
Mayor's Report - February 2024

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT SLATER – Our next Work Session will be Monday, March 25, 2024, at 6:30 p.m.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT SLATER – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, President Slater. I just want to remind everybody that tomorrow is Primary in Ohio and you can vote from 6:30 a.m. until 7:30 p.m. Thank you.

COUNCIL PRESIDENT SLATER – Thank you, Councilwoman Cunningham.

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING 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. This request is a dedication of 1.27 acres of roadways including the extension of Heron Creek St. and Wooster Creek St. N.W. There will be twenty-six additional platted lots in a subdivision in areas currently zoned R-1 Single Family Residential. This was approved by the City Planning Commission at the February 14, 2024 meeting. Are there any questions from Council Members at this time regarding this request? Seeing none, I make a motion to waive the rules requiring three readings and bring Ord. No. 28 – 2024 forward for a vote.

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

9 yes for suspension

COUNCIL PRESIDENT SLATER – And for passage.

9 yes for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 28 – 2024 has passed. 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 replat this easement for White Tail Creek Development which is located on the northwest corner of 9th St. S.W. and Albrecht Ave. It was approved by the City Planning Commission at the February 14, 2024 meeting. This property is currently zoned I-1 Industrial. We've had representatives attend from Bitdeer on two occasions; at Council and our Work Session to answer our questions. Are there any outstanding at this time that Council Members may have?

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I'd like to call forward the Law Director please.

COUNCIL PRESIDENT SLATER – Mr. Richard.

JUSTIN RICHARD – Mr. President Slater, Council.

COUNCILMAN LEWIS – I know I’m putting you on the spot here, but in a generality, in your opinion, when land is privately owned within the City, if someone wishes to build upon that land and they are within all ordinances, zoning and code that is currently in place at the time of purchase and build, can the City do anything to stop the building of the project?

JUSTIN RICHARD – First question first, I was born on the spot. So, I don’t have any problem with that. Two, no. I mean, if they include what you’ve said, they are abiding by everything that we’re doing, we cannot discriminate against an individual that may money to buy his land. We just, we have the laws out there that the economy in America that basically says you fight against your competitors and everybody’s free to own land, own a business as long as they play within the rules with the Secretary of State, the ordinances and things of that nature. So, you want me to summarize.

COUNCILMAN LEWIS – No, that’s fine.

JUSTIN RICHARD – There’s a scenario where everybody here can say absolutely, we’re not going to replat this land and they Bitdeer Coin facility, in some fashion, can still continue.

COUNCILMAN LEWIS – That’s exactly what I was trying to get to. Because I think it’s very important that regardless of how this Council feels, I want to make it known that I can personally say, obviously, after fifty minutes, we hear what the community is saying, but this isn’t a matter in previous debates that have come in front of Council where somebody was requesting the zone change and Council had the authority to not approve the zoning change. This is a matter of them looking for an easement or a replat and even if this Council votes “no”, to the best of my knowledge and I’m not going to put our attorney on the spot because he would probably want some time to research, but there is nothing in our books right now that stops them from building on the land that they own. It may not look the exact same as they presented because they would have to respect the easements. So, they wouldn’t be able to put a building over top that easement, but they could run buildings along side of them and still operate. So, question is, if we do not want to see this operation in the City, it’s not Ord. No. 29. It’s the ordinance that we’re not even talking about and that is our codes and laws that govern us and oversee it. So I just want to make that very clear that a “no” vote would not stop it. A “yes” vote does not endorse it. It’s just simply saying that, yes, it’s privately owned land, you’re going to develop it and we’ll let you build over the easement as long as you replace it. That’s all we’re saying.

JUSTIN RICHARD – You’re absolutely right. What it comes down to then will be the ordinances, like you said, it’s an I-1, so then it’s incumbent upon our code enforcement to make sure to hold them to that specifically. I can tell you along with Councilwoman Creamer who’s been working on this issue, she’s asked; I that she’s looked at some other cities that have specific decibel numbers listed in their ordinances. We’ve looked at that. I know Canton has that. So, for times of the day, Monday through Friday, normal business hours, on the weekends. They fluctuate and if I remember correctly I think that the highest allowed by Canton ordinance, I could be wrong, but I believe it’s seventy.

COUNCILWOMAN CREAMER – Seventy-five.

JUSTIN RICHARD – Seventy-five, actually. So, we may absolutely, in the Law Dept. look at putting, if they continue in that direction, certainly we want to protect our citizens and even those that are in Perry Twp. are good neighbors. So, we will absolutely look at bringing some

legislation possibly to jump ahead of this and nip it in the bud. So, it's not a situation where folks are dealing with it down the road like other places.

COUNCILMAN LEWIS – So, may I continue?

COUNCIL PRESIDENT SLATER – Please.

COUNCILMAN LEWIS – So to that point, I just want to make this last little point is, the biggest thing that we are concerned about here is the noise and with people discussing an I-1 as I-2, what we have in our current code that I-1, there's an expectation that the noise won't become excessive, right? I don't know if we can say we don't believe you. I don't know if we can say I don't trust that you're going to abide. If they say that they're going to put the proper precautions in place and they are operating within the law in the ordinances; it's not a matter of whether or not any of us want or don't want the operation. It's a matter of I don't know if we have a legal standing stop there and it's certainly isn't in Ord. No. 29. If the idea is to not have this operation, it has to come from somewhere else. It's not Ord. No. 29. Ord. No. 29 does not stop anything. I just wanted to clear that up for everybody because it's obviously a hot topic and I just wanted to be clear on what this ordinance actually does and does not do. That's all.

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I have a question for the Law Director also. On that same line, there's been questions regarding the zoning. Should it fall under I-1 or should it fall under I-2? Are we confident that this type of company falls under I-1?

JUSTIN RICHARD – We're not. That's not even the issue. There's so much ambiguity that we cannot seize or arrest somebody before they've done something wrong, right? That's a criminal thing. So, we cannot go to a court and ask for an injunction about what they might do or what they're going to or probably what they did in Texas. Unfortunately, they, until they don't play by the rules, we are kind of hamstrung to let people do what they do and if they're good on their word then we don't have anything to enforce. If they don't, I assure you that our office along with the other departments absolutely, we've settle two pretty big demolition cases as far as the zoning ordinances and also the code ordinances in the City. We'll go after them just the same way we've gone after anybody if the break the rules.

COUNCIL PRESIDENT SLATER – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, President Slater. If we would not replat this, would they have legal actions against the City?

JUSTIN RICHARD – Anybody can sue us. We get sued a lot. I would not have a problem defending that lawsuit to the City. It's not to say that they wouldn't bring a lawsuit, but I'm confident that your actions are protected. So, but in as much as they can't sue this body for what they decide or don't decide it also doesn't necessarily deprive them of doing what it is that they intend to do. So that would be my first argument is that they said, "Well look, they voted for us to do this". I would say "You're not deprived anything because you can still go forward". So, you have no damages so, thus, no case.

COUNCILWOMAN CUNNINGHAM – Thank you.

COUNCIL PRESIDENT SLATER – Councilwoman Bryan-Huth.

COUNCILWOMAN BRYAN-HUTH – Thank you, President Slater. Law Director, should we revise the ordinance to include quantifiable data that says X amount of decibels is allowable, shut it down, or however that works. That we protect our community and the surrounding communities. Is there a way that they would not be under that law because they've already broke ground or they've already started or their grandfathered in, any of that nature? They would have to, should a new ordinance be devised that they would have to comply?

JUSTIN RICHARD – Absolutely. Plus, they would already on board. With the exception of this Council, your Council rezoning them to an I-2, they're going to be held under those stricter guidelines of I-1. So, even if we do and you asked me kind of in the beginning, should we, that's certainly a choice for you all to make based on your constituents. I'm certainly willing to absolutely jump in and we can get some numbers. I can tell you that Canton's was done on a specific. They used an audiologist. They used a lot of money and they kind of found where that threshold was where it really does start to mess with people as far as sleeping and depression. All of the side effects from noise pollution and we're absolutely prepared to take the same steps for our citizens.

COUNCIL PRESIDENT SLATER – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – So, I have multiple concerns. Regarding what is on the legislation for these easements. So these easements that the City currently has on this property and they want to give up these easements and Bitdeer make it one property and they're going to take care of all the water. Well, these easements, there's two large open culverts that dump onto this land that take the water from the road and from the Industrial One Park. Everything flows that way and you can't change the flow. These open culverts go into the field right now. They don't make, there are several hundred yards, they don't make it to the creek. It's the water, it's absorbed in the field. So, by putting these together, if we vote "yes", we're going to allow them to manage it and then we're going to be responsible for the water on the road and the drains which ultimately ends up in the creek. They're going to put in this wonderful culvert drain, this new drain system that's going to go to a retention pond. But now, if we're giving up those easements and their building on all 75% of this area except for where the creek is, there is going to be more water because there's no absorption and it's directly going to a creek which is clogged and has flooding problems. So at that point, can people come back and sue us for that? Because we are now knowingly putting water into a creek that we know is plugged. It has been brought to our attention. Whereas, so if we say "yes" and we give them those easements, they're going to change the drainage of all the water coming off the industrial park. Right now, it comes onto that land, onto the soil. When you take that away and take it and put it all in the retention pond, now we're taking that water, no absorption, going directly into the creek that is blocked which is causing all the flooding problems. We don't need a hundred-year storm. They get like a five-year storm. I think in 2016 they got flooded twice. We've had water two-feet high on Albrecht and the whole way up. There's nowhere for this water to go. And City owns all of these but they're owned by the people that own the land, but the water...for us to knowingly be allowing, basically, it's going to be more water because we just gave up our easements. So, all that water, it's not just the water of the thirty acres, it's the water of the industrial park and the water and everything coming down to 9th St. So, I want your opinion, but I hope everybody votes "no". Thank you.

JUSTIN RICHARD – I'm sorry, what was your question?

COUNCILWOMAN HARWIG SMITH – The question is, can we be sued if we knowingly put drains and drain water directly into a creek that is plugged because we're changing the drainage? By giving up our easements, if we give up our easements then they're going to be doing it and then on 9th St., we're also dumping water. But, they're going to be taking like right now, the easements...

JUSTIN RICHARD – They're responsible for their own actions. So, if we give them an easement and they somehow are negligent with water and it causes damages on other people, they would be liable, not us.

COUNCILWOMAN HARWIG SMITH – So what about the water taking in that's being re-piped down 9th St.? Does that apply?

JUSTIN RICHARD – Who's pumping the water?

COUNCILWOMAN HARWIG SMITH – I mean, not pumping but the storm drains that leads to the culverts that still lead to this southwest pond?

JUSTIN RICHARD – I don't understand. Again, who's actions are creating the problem?

COUNCILWOMAN HARWIG SMITH – The City is going to be responsible for 9th and the water drainage and the culvert. They're putting it all in and changing everything. They're going to be responsible for their thirty acres. We're giving them our easements that control the water at the current time. So, that's what I'm saying; the water is not controlled. There's a problem down there and that water that is coming off this I-1 business district goes to this land and comes out in culverts into the ground. It doesn't even hit the creek. It's absorbed in the ground. It stops a couple hundred feet, they kind of have it carved out. We got a couple like big open drains that the water is absorbed in the ground. When we take those away, so then we're taking all the water coming from the development, their development, their taking that; that's all going into the creek and then everything that passes over to the City storm drains on 9th St., that's still coming down to the same spot. So we're knowingly adding water, aren't we?

JUSTIN RICHARD – We're knowingly handing over what sounds like a problem area to this business to fix that they said that they are interesting in fixing. That's what it sounds like. It's sounds like we're taking responsibility and liability away from the City and giving it to these people if we no longer have the easements. So whatever they do with the water would be, well, they would be liable, of course, if they caused damage to others.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Regarding that water issue, I would say we're asking the wrong question. The question should be, if went down there and it turns out that we are dumping water into a field that is privately owned and claiming it under easement and then it's supposed to be draining to a clogged out, we should be addressing that regardless. Because it is not, in my opinion, it is not fair or right of the City to hold a land owner prisoner by our water waste. Because it doesn't matter if the bitcoin operation or a Dollar Tree or homeowners wanted to buy that land, they'd still have to deal with that water and it would have to be re-routed and it'd have to be taken care of. So, the question should be, what are we going to do to address that issue regardless of the development. Because otherwise, we're holding land owners in

prisoned by our own waste of water. So, we probably need to get with the Administration and start discussing policies or programs that we can implement to clear up that issue now that it's been brought to our attention. That's how I would address it.

COUNCIL PRESIDENT SLATER – Thank you, Mr. Richard. Alright. Anymore questions?
Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, President Slater. Seeing no more questions, I would like to make a motion to waive the rules regarding three readings and bring Ord. No. 29 – 2024 forward for a vote.

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

5 yes; 4 no's for suspension

COUNCIL PRESIDENT SLATER – And for passage.

COUNCILMAN LOMBARDI – Point of Order, President Slater. That did not pass for suspension. It needs to have 75%.

COUNCIL CLERK ROLLAND – So it will go up for third reading?

COUNCILMAN LOMBARDI – Yes.

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

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

MATT HISHMAN – I live in Minerva, Ohio. I serve as Director of Operations at our family-owned grocery stores and I'm here tonight because I'm running for State Representative for the 50th District. I was at your January meeting, but I didn't properly introduce myself. So, I just wanted to introduce myself tonight. Thank you.

COUNCIL PRESIDENT SLATER – Anyone else?

18. **ADJOURNMENT**

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I make a motion to adjourn.

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

9 yes to adjourn

COUNCIL PRESIDENT SLATER – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

MIKE SLATER, PRESIDENT