

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, APRIL 1, 2024**

COUNCIL PRESIDENT SLATER – Welcome to the Massillon City Council Meeting for Monday, April 1, 2024. We have in attendance the following City officials: Mayor, Jamie Slutz, Safety Service Director, Renee Baker, Asst. Law Director, Edmond Mack, Director of Development, Ted Herncane, Police Chief, Jason Saintenoy, Fire Chief, Matt Heck, and Code Enforcement Officers, Dan Fichter and Harry Sullivan. 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 Cunningham.

2. INVOCATION

COUNCILWOMAN SARITA CUNNINGHAM

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILWOMAN CUNNINGHAM

4. READING OF THE JOURNAL

COUNCIL PRESIDENT SLATER – Thank you, Councilwoman Cunningham. 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

KEITH KASNICK – I don’t live in a Ward. The Ward is on the other side of the street from me. My wife and I moved to Massillon just one year ago, we found our retirement home. Even

though our property is abutting a I-1 industrial zone, it's a quiet area. It's a neighborhood containing many families. Some of the neighbors are three generations. It has a close family feel of living. These neighbors have joined a fight against Bitdeer moving into the area. The company is based in Singapore, China; eight thousand miles from us. U.S. headquarters are located in San Jose, California; two thousand miles from us. Why are they trying to come to Massillon? Money. I'm not against building on this land. It's zoned I-1 for industrial; jobs, business, good for the city in tax base. But it needs to be the right type of business. This one cannot be legally built on the proposed site because of the zoning. 1169.01, Intent, as it pertains to I-1 Industrial areas. Section (b)(2), "To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas from new residential development". Section (b)(3), "To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences". Section (b)(4), "To promote the most desirable use of land in accordance with a well-considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the City's tax revenue". 1169.03, "Principal Uses Permitted Subject to Special Conditions", Section (f)(6), "The permitted use shall be located not less than 1,600 feet from flood processing facility, 600 feet from any Residential District and not less than 200 feet from any other non-Industrial District". Bitdeer has already proposed plans to build within 400 feet of a residential district in violation of this zoning law. Section (f)(8), "The maximum size parcel of land involved in such a permitted use, including required setbacks, processing and storage facilities, off-street parking areas, office facilities, and other open space areas, shall not exceed six acres in size". Bitdeer has already proposed plans to use most, if not all, of the thirty-one acres in violation of this zoning law. These are fine examples of the violations of the zoning laws. So, why are we here discussing this at all? The group of you have been elected to the people to protect us from this type of use of the land zoned I-1 and it's understood that Bitdeer plans to go ahead with the project with or without the replat. How or why can they have that slap in the face attitude toward the residents and the laws of the City of Massillon? Or do they see Massillon as some good ole' pogo town of 32,000 residents and they can push around and force their will? I'm going to assume that everybody in this room, especially Council, has reviewed many videos about the noise complaints from residents across the country. People didn't know better about what to expect when a bit mining operation came to their towns. They probably wished they had laws in place to stop such a horrendous use of resources. We have those laws already in place. We need to use those laws to protect the City against this corporate giant. You have the power to protect our City and the residents of this earth. Please, do not sell us out for a few dollars of tax revenue. I know it's more than a few. Thank you.

COUNCIL PRESIDENT SLATER – Thank you.

JACK REISE – I've talked to you before, but I'm still in the dark about the whole thing. I know you've had a meeting here and last Monday and the company had maps and all that. Why don't we ever get to see anything like that? Oh, you're not allowed to ask questions? The other thing is all us people here or most of us, I've been in my house for sixty years and I fought with Americold about the noise and they haven't seemed to do much about it and they told me they were going to do different things and it never was accomplished. And now these people want to move in with the noise thing on the south of me. So, I'll get the noise from both places and I think everybody in this room knows that it's going to be noisy and if we'd ever try to sell our house, we wouldn't get the money for it. I'm too old to move and build a new house.

So, I'd like to get more information. What are you people doing about not having it built at all? I know they said something about fifteen-foot barrier around it. Are they going to go all the way around the whole thing or are you people not going to let them come in and do all the parcels in one big glump? I still don't think it's right and I don't know, maybe we should be compensated for what we lose on our property value because that place is going in behind us. Just some thoughts I'd give to you. That's all I have to say.

COUNCIL PRESIDENT SLATER – I appreciate it. Anyone else?

TIM PHILLIPS – Albrecht St., Ward 5. I just want to thank everybody for putting up with us for the last six to eight weeks and doing some research like we have. I just have a few basically questions I'd like to get answered. What I have is the number three proposal. If you look at the blue wall around here, it was 150 ft. from the property line to the very first building. I need to know why isn't this wall closer to where the noise it at? It would make more sense if the wall is closer to deaden the noise. That's one thing I'd like to get answered from Paul or someone from Bitcoin. The other thing is, they said that they were going to move a couple of the facilities and stack them. Where are they going to stack these? They talked of ten to fifteen-foot wall. Now are these stackable buildings that they're moving going to be higher than that? The last thing I heard is that these buildings were fourteen foot. So, if you're going to double stack them, that's makes them twenty-eight. If they're proposing a ten to fifteen-foot wall, that ain't going to help anything. Not one thing. So, I'd like to know where they're going to restack them and what they're proposing to do about that, if this goes through? The very most important things; we need to figure out a decibel reading level that we can all live with. I don't want to hear, "We'll figure it out later" or "We'll work with it after it's built". I don't think that's good enough. I think the City of Massillon right now has the opportunity to set an example for everybody else that gets these built around. I heard one Councilman say, I don't remember which one it was saying, "This is the future". Well, crypto may be the future, but bit coin mining is not. These are going to fade away. Once the United States government figures out what's going on here, they're going to be shut down just like they are in China. And other states are trying to ban these as we speak. So, I just want to make sure that we get this right. Replatting this, it's not going to make any difference. If you don't replat that, that's fine. There's still enough room for three other businesses. You don't have to replat. The acreage is huge. I don't know if anybody knows this, but if you look at this map, behind the power station that's already there. This land that Bitcoin bought was sold in June 2023. The land that encumbrances the whole power station which is 30.74 acres was sold in December and they have an easement on Albrecht and an easement on 9th St. That sold for \$113,000.00. That's a far cry from \$1.57 million. So, something else is going on. Because that property, it encumbrances the whole way around the power station and it's in an industrial park. They could have easily built that on this property across from 9th St. We wouldn't even know it was there. So, now that this other person bought this property which is Stonehill Real Estate out of Canton, Ohio. Now that that person bought this property, now if ever anything happens with this flooded creek, and something can't be done with it, now we got three properties to deal with because it's magically zoned or the boundary line is right over the clogged pipe. So now we have First Energy, Stonehill and Massillon Technologies, all. We got a twenty-foot circle of pipe. That's all I got to say. Thanks.

COUNCIL PRESIDENT SLATER – Moving on.

6. NEW AND MISCELLANEOUS BUSINESS

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT SLATER – Ord. No. 36 – 2024.

ORDINANCE NO. 36 – 2024

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE adopting the recommendations of the Massillon Tax Incentive Review Committee (TIRC) with regard to the renewal and termination of Massillon Enterprise Zone (EZ) projects.

COUNCIL PRESIDENT SLATER – Councilman Ray.

COUNCILMAN RAY – Thank you, President Slater. As discussed in our meeting last Monday, we discussed the TIRC. The TIRC Committee had come to the recommendation to continue and renew this tax incentive for the three businesses in question. At this time, does anyone have any questions about this matter? Seeing that we have no questions, I make a motion to suspend the rules for three reads and bring Ord. No. 36 – 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. 36 – 2024 has passed. Ord. No. 37 – 2024.

ORDINANCE NO. 37 – 2024

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending the OCCUPATION LIST OF CLASS TITLES, 160 “SERVICE DEPARTMENT”, in the City of Massillon, Ohio, by establishing and creating the position of “Animal Control Officer” and establishing the Class Grade Schedule for said position within the 160 “SERVICE DEPARTMENT”, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Thank you, President Slater. We discussed this last Monday in Work Session. Mayor Slutz came before Council and presented information regarding this position. This position has been a position we wanted to add for some time now. This allows the creation of that position within the City Administration. Are there any questions, concern, thoughts, discussion? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 37 – 2024 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilwoman Harwig Smith. 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. 37 – 2024 has passed. Ord. No. 38 – 2024.

ORDINANCE NO. 38 – 2024

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the purpose of salaries and P.E.R.S. for two (2) new code enforcement officers, for the year ending December 31, 2024.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – This is just the appropriation to go along with the transfer that was already approved by Council for the new code enforcement officers. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 38 – 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. 38 – 2024 has passed. Ord. No. 39 – 2024.

ORDINANCE NO. 39 – 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 City of Canal Fulton, Ohio, for the purpose of providing prosecutorial services, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Yes. These are contracts that we go into every year for our surrounding communities. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 39 – 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. 39 – 2024 has passed. Ord. No. 40 – 2024.

ORDINANCE NO. 40 – 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 Beach City, Ohio, for the purpose of providing prosecutorial services, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Yes. I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 40 – 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. 40 – 2024 has passed. Res. No. 23 – 2024.

RESOLUTION NO. 23 – 2024

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

A RESOLUTION designating Kohl Court N.W. as the name for a certain unnamed alley located in the City of Massillon, Ohio.

COUNCIL PRESIDENT SLATER – Councilman Snee.

COUNCILMAN SNEE – Thank you, President Slater. This resolution is just to designate an unnamed alley as Kohl Ct. N.W. on the 400 block of 17th St. N.W. located in between addresses 438 – 18th and 439 – 17th. Again, this is to assist in the home delivery of medical supplies and mail. I have not heard any opposition to this since last Monday. So, if there's no objection or conversation, I plan on bringing it forward. Seeing none, I'd like to waive the rules requiring three readings and bring Res. No. 23 – 2024 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilwoman Creamer. 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. 23 – 2024 has passed.

8. **UNFINISHED BUSINESS**

9. **PETITIONS AND GENERAL COMMUNICATIONS**

10. **BILLS, ACCOUNTS AND CLAIMS**

11. **REPORTS FROM CITY OFFICIALS**

Treasurer's Report - February 2024

12. **REPORTS OF COMMITTEES**

COUNCIL PRESIDENT SLATER – Our next Work Session will be Monday, April 8, 2024, at 6:30 p.m.

13. **RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS**

14. **CALL OF THE CALENDAR**

15. **THIRD READING ORDINANCE AND RESOLUTIONS**

COUNCIL PRESIDENT SLATER – 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, Mr. President. As we've discussed this request, it is a replat request for the White Tail Creek Development. The site is located on the northwest corner of 9th St. S.W. and Albrecht Ave. The City Planning Commission did approve this and the property is currently zoned I-1 Industrial. We've had representatives from Bitdeer attend our Work Session meetings; I believe three separate times. Mr. Hanson was present and presented the different site designs for this parcel along with Kevin Noble who was the Civil Engineer for this project. We've had many concerned citizens attend our meetings over the past three weeks. Concerns with water, flooding and noise. Do any Council Members, at this time, have any additional questions regarding the request in front of us?

COUNCIL PRESIDENT SLATER – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Thank you. I would just like to say that it's very difficult for people to come before Council and speak about these legitimate concerns and I commend Bitdeer. The team, they've listened closely to the concerns and they've offered solutions and they've made promises to be good neighbors and if they can pull this off with no negative impact on the community, I'll be the first to congratulate them. But the bottom line is we don't

have our noise ordinance attached to our zoning currently and the residents that have spoken to me all week do not feel comfortable. Many, regardless of what they do, they do not feel that crypto mining is something we want in our town and with the concern of the noise and the concern of the water problem in their mind, not being solved because of the creek. The encouragement that I had for them is that they would like to see Council vote “no” concerning this. That’s all I have to say. Thank you.

COUNCIL PRESIDENT SLATER – Thank you. Councilman Gregg.

COUNCILMAN GREGG – Thank you, Mr. President. My comment on this is, as you’ve said, we’ve heard a lots of information, both pro and con. As Councilman Lewis said, eloquently a couple of meetings ago; a “yes” vote on this is not an endorsement of this project and a “no” vote on this is not a rejection of the project. It’s going to go forward one way or the other. I think my feeling is that if we pass this replat, it puts the City in a better position to work with this company going forward on noise levels. Also, I noticed that in the plan that they gave us, third plan, the third iteration of the plan, the site plan that they gave with the walls, that I thought was a good way to address the noise issue, but I also noticed that they also showed us a site plan if the replat is not done, it didn’t include those walls. So, I think that we need to keep that in mind and, again, not that we’re endorsing the project, but, in my opinion, a “yes” vote on this puts the City in a better position moving forward with the company. Because it’s going to happen one way or the other. Thank you.

COUNCIL PRESIDENT SLATER – Thank you. Councilwoman Bryan-Huth.

COUNCILWOMAN BRYAN-HUTH – Thank you, Mr. President. Just to continue on what Mr. Gregg said; what was said last week for members of the audience who weren’t in attendance and I could be confirmed or restated if I say, incorrectly; should we replat the third iteration with the sound wall, with stacking the buildings, moving them farther away, all of that was going to go into play. Should we choose not to replat, they weren’t going to make those measures happen. It was going to be worse. So, I want the community and the public to know that we have heard you and I can speak only for myself, there’s no denying the ramifications, that continuous noise have on one’s mental and physical health. All of that is not up for discussion or debate. I 100% agree with that. What we don’t have the power to do as a Council is to say, “Because you do this as a business, you cannot be in our City”. Because what they’re doing is not illegal to this point. What we can do, as Mr. Lombardi stated before, is make meaningful laws with teeth that can hold them accountable for their actions. So, when a new noise ordinance is drafted, it needs to have quantifiable measurements. It needs to have ramifications that are real, meaning and lasting so that our community is protected and it is safe and that’s what we as a Council can do. We as a Council cannot say, “I don’t like your business, you cannot build here”, because we’re America and that’s not what we do. Regardless of how I feel about the business, it doesn’t matter. We uphold the law. So, again, just to restate, a vote of “yes” on the replat is only and solely for the replat so that our city services can do what they need to do to keep our community and our neighbors working.

COUNCIL PRESIDENT SLATER – Thank you, Councilwoman Bryan-Huth. Anyone else from Council? Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you. Seeing none, I would like to bring Ord. No. 29 – 2024 forward for a vote.

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

8 yes; 1 no for passage

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Ord. No. 29 – 2024 has passed.

16. SECOND READING ORDINANCES AND RESOLUTIONS

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

18. ADJOURNMENT

COUNCIL PRESIDENT SLATER – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – I move that we adjourn.

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

9 yes to adjourn

COUNCIL PRESIDENT SLATER – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

MIKE SLATER, PRESIDENT