

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, JULY 6, 2026**

PRESIDENT PRO TEM GREGG – Good evening. Welcome to the Massillon City Council meeting for Monday, July 6, 2026. We have in attendance the following City officials: Mayor Jamie Slutz, Safety Service Director, Renee Baker, Asst. Law Director, Edmond Mack, City Engineer, Alex Pitts, Director of Development, Ted Herncane, Chief Building Official, Phil Gorman and Street Superintendent, Josh McClay. Under #5 on the agenda is where the public can speak on any topic that appears ON tonight's agenda and under #18 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.

PRESIDENT PRO TEM GREGG – Roll call, please.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Holly Bryan-Huth, Sarita Cunningham, Mike Gregg, Julie Harwig Smith, Seth Marcum, John Paquelet, Mandwel Patterson, Eric Ray and Tony Townsend

Roll call of 9 present

2. INVOCATION

COUNCILMAN ERIC RAY

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN RAY

PRESIDENT PRO TEM GREGG – Thank you.

4. READING OF THE JOURNAL

PRESIDENT PRO TEM GREGG – Madam Clerk, are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes sir. All minutes are transcribed and posted on our website.

PRESIDENT PRO TEM GREGG – Are there any additions or corrections to be made?

COUNCIL CLERK ROLLAND – No, there are not.

PRESIDENT PRO TEM GREGG – Then the minutes stand approved as written. Thank you, Madam Clerk.

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

PRESIDENT PRO TEM GREGG – Does anyone wish to speak this evening?

6. NEW AND MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM GREGG – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, President Pro Tem. There's been complaints about the speeders on Lake Ave. since they took down the traffic tables and so I spoke with Chief Saintenoy and he reported back to me that he's been having an officer stationed on Lake Ave. periodically. And I wanted to report what they found on Lake Ave. The week of June 23rd, he spent sixty minutes on Lake Ave. and June 26th, he spent sixty minutes on Lake Ave. and what happened was is he submitted his weekly traffic enforcement report for the week of June 22nd – June 26th. "In regards to the traffic security check for Lake Ave. N.E. since June 9, 2026, I spent 57 minutes on that check. In that time, I've conducted at 18 traffic stops, issued 15 citations for speed. One citation for expired registration, one citation for driving under suspension and one citation for fictitious plates. One arrest stemmed from a warrant related to this traffic check." He did tell me, also, that between 6:00 a.m. and 7:00 a.m. is when they really seem to be speeding, which obviously, they're trying to get to work. But he did say that one was clocked at 70 mph and one was clocked at 80 mph; and the reason I really wanted him to check on this is that more kids seem to be out on their bicycles and on Lake Ave. you had Whittier and all that and there's a lot of children in that area and I truly believe that somebody's going to hurt. So, that's what he reported to me and I was very grateful that he did that. But, 70 and 80 mph? That's incredible. I just wanted to report on that so we can maybe get it in the newspaper and on Massillon Live that they're checking and either you behave or you're going to get stopped. Thank you.

PRESIDENT PRO TEM GREGG – Thank you, Councilwoman Cunningham.

7. CONSENT AGENDA

PRESIDENT PRO TEM GREGG – Ord. No. 68 – 2026.

ORDINANCE NO. 68 – 2026

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending the OCCUPATION LIST OF CLASS TITLES of Ordinance No. 10 – 2026 to increase the Class Grade pay schedule for the Office Manager within the 415 "BUILDING DEPARTMENT" from 11S CL to 14S CL, and the Administrative Asst./Permit Asst. within the 415 "BUILDING DEPARTMENT" from 9S CL to 12S CL, and declaring an emergency.

PRESIDENT PRO TEM GREGG – Ord. No. 69 - 2026.

ORDINANCE NO. 69 – 2026

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending the OCCUPATION LIST OF CLASS TITLES of Ordinance No. 10 – 2026 to increase the Class Grade pay schedule for the Administrative Assistant within the 405 "ENGINEERING DEPARTMENT" from 11S CL to 12S CL, and declaring an emergency.

PRESIDENT PRO TEM GREGG – Ord. No. 70 – 2026.

AN ORDINANCE to accept the replat and roadway dedication plat for the Massillon Energy and Technology Park, Massillon, Ohio.

PRESIDENT PRO TEM GREGG – Ord. No. 71 – 2026.

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign and accept the Northeast Ohio Public Energy Council (NOPEC) Energized Community Grant, and declaring an emergency.

PRESIDENT PRO TEM GREGG – Councilman Marcum.

COUNCILMAN MARCUM – I'd like to make a motion to bring forward all items on the Consent Agenda No. 68 – 2026, No. 69 – 2026, No. 70 – 2026 and No. 71 – 2026 forward for a vote after suspending the rules requiring three readings.

PRESIDENT PRO TEM GREGG – Seconded by Councilman Paquelet. Roll call for suspension.

9 yes for suspension

PRESIDENT PRO TEM GREGG – And for passage.

9 yes for passage

PRESIDENT PRO TEM GREGG – Thank you, Madam Clerk. All items on the Consent Agenda have passed.

8. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

9. UNFINISHED BUSINESS

10. PETITIONS AND GENERAL COMMUNICATIONS

A Request for the Transfer of a Liquor License from 6th St. Market, LLC, 6th Street Market located at 124 – 6th St. N.E., Massillon, Ohio 44646 to Patel Firm, LLC, 6th St. Market located at 124 – 6th St. N.E., Massillon, Ohio. 6th St. Market is located in Ward 2.

PRESIDENT PRO TEM GREGG – Councilman Ray, did you receive a copy?

COUNCILMAN RAY – Yes sir. Yes, I did. Thank you.

PRESIDENT PRO TEM GREGG – Thank you.

11. BILLS, ACCOUNTS AND CLAIMS

12. REPORTS FROM CITY OFFICIALS

Auditor's Report - June 2026

PRESIDENT PRO TEM GREGG – As Finance Committee Chairman, I will make a motion that we accept the Auditor's Report. Seconded by Councilwoman Harwig Smith. Roll call.

9 yes to accept the Auditor's Report

13. REPORTS OF COMMITTEES

PRESIDENT PRO TEM GREGG – Our next Work Session will be Monday, July 13, 2026, at 6:30 p.m. I'll report at this time that I will not be here on that Monday. Councilman Marcum will fill in for me to run that meeting.

14. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

15. CALL OF THE CALENDAR

16. THIRD READING ORDINANCES AND RESOLUTIONS

PRESIDENT PRO TEM GREGG – Ord. No. 60 – 2026.

ORDINANCE NO. 60 – 2026

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending PART ELEVEN "PLANNING AND ZONING CODE", TITLE THREE, "ZONING ADMINISTRATION, Chapter 1121 "Construction of Language; Definitions", Section 1121.02 "Definitions", TITLE FIVE, "ZONING DISTRICTS", Chapter 1169 "I-1 Light Industrial District", Section 1169.03, Chapter 1171 "I-2 General Industrial District", Section 1171.04 "Principal Uses Permitted Subject to Special Conditions", and TITLE SEVEN "ZONING REGULATIONS", Chapter 1187 "Supplemental Zoning Regulations", Section 1187.09 "Site Plan Review" of the Codified Ordinances of the City of Massillon, Ohio.

PRESIDENT PRO TEM GREGG – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Thank you, President Pro Tem Gregg. I'd like to call up the Director of Development, Ted Herncane. Atty. Terry Seeberger, per our request, put together five (5) different motions based on what we discussed at our previous meeting regarding the data centers.

TED HERNCANE – Good evening, Members of Council. So, let's take these one by one. These are all drafted by Atty. Seeberger who, as he stated last week, could not be in attendance this evening. I spoke with him on two different occasions last week and then once or twice today to make sure that these are accurately, these motions, are accurately reflected of his work and what his interpretation of your wishes were at the last meeting. So, the first motion is pretty clear. This is the one that would remove I-1 from the ordinance requiring any and all data centers to be in I-2, heavy industrial. Any questions there?

COUNCILWOMAN HARWIG SMITH – Just on the wording of that. I think we should almost add specifically that data centers will only be allowed in I-2, full industrial. Because it's not

really specific anywhere and that's the whole purpose of us changing that one is that we only want it to be allowed in full industrial.

TED HERNCANE – If you remove any reference to I-1, light industrial in Ord. 60 – 2026 the zoning district that would be allowable would be I-2. I think it's six of one, half of another. I mean, it's saying the same thing by removing any references to that district, the only district that is left in the ordinance is I-2, general industrial. I think it accomplishes the same goal. If you want to word it differently, you can.

COUNCILWOMAN HARWIG SMITH – So, I don't see when I look through there anywhere that says just that, specifically. It's just talking about...

TED HERNCANE – In the original one...

COUNCILWOMAN HARWIG SMITH – So if we just take out I-1...

TED HERNCANE – It basically allows then in the I-2 chapter with special conditions as permitted use.

COUNCILWOMAN HARWIG SMITH – Well, we can look at that...we can leave it this way for now, but I just want to make sure that that's specified in there.

TED HERNCANE – If you want to change the motion and make a motion to amend to say they can only go in I-2 if you want to reverse it.

COUNCILWOMAN HARWIG SMITH – That's what on that one I would.

TED HERNCANE – That's fine.

COUNCILWOMAN HARWIG SMITH – Okay. Perfect. And then the other one, motion #2 is the only other one that I wanted to maybe change is for motion #2 when we talk about the setback.

TED HERNCANE – So the rationale there was by limiting data centers to I-2, if you look at the original ordinance, it had large data centers in I-2, small data centers in I-1. By keeping them all in I-2, the only real thing to differentiate large versus small would be there are still some setback requirements that are a little bit different in terms of front and side yard except what motion #2 addresses which is both have a setback when they abut residentially zoned districts. Basically we kept those same categories, we just doubled the setbacks if it abuts a residential neighborhood. So, if you wanted to change that...

COUNCILWOMAN HARWIG SMITH – I'd like it to say 400 ft. from residentially zoned districts for both non-large scale and for large scale. So regardless of the size, if it's by a neighborhood, it's got to be 400 ft. back.

TED HERNCANE – That's fine.

COUNCILWOMAN HARWIG SMITH – Because even like Bitdeer is not even considered a large one. They're considered a small one. I just don't want to be in that situation.

TED HERNCANE – That's okay. I would remind you, though, that's only in the event that the I-2 district would abut a residentially zoned district.

COUNCILWOMAN HARWIG SMITH – Correct. That's only if where it abut up against a residential area. Which isn't that many places from what you and I looked at and everything. Does anyone have any questions on the first two motions?

COUNCILMAN MARCUM – I just want to clarify one thing; the way that this ordinance is drafter is it's an exclusive ordinance as opposed to an inclusive ordinance in the sense of if it doesn't, like Mr. Herncane was saying, if it doesn't appear in I-1, it can't be in I-1 just like it can't be in B-1 or an R-1 neighborhood. So by eliminating I-1 from the ordinance, we are effectively constraining these facilities only to I-2, which is great and all. So, the ordinance itself won't have to say we're only allowing this in I-2. The effect of the ordinance will be it's only allowed in I-2. Just like it wouldn't be allowed in a residentially zoned area.

COUNCILWOMAN HARWIG SMITH – So motion #1 we could leave as written? And then motion #2 would just be 400 ft. from both residentially non-large scale and large scale. So, basically any data center up against a residence has to be 400 ft. Any other input from anyone on that? Okay. Go ahead with the rest.

TED HERNCANE - #3, if you remember, the ordinance has three certifications that would be required to be reviewed by the Site Plan Review Committee. A certification regarding water usage, electrical usage and wastewater usage. This adds a fourth certification from an appropriately qualified person, but regarding noise levels. That was a question from last week and I think the week before. So what Mr. Seeberger did was add or wants to add language to require a fourth certification to be reviewed by the Site Plan Review Committee and that certification would show the anticipated peak decibel sound from the parcel on which the data center will be located and the nearest residentially zoned district.

COUNCILWOMAN HARWIG SMITH – Councilman Patterson.

COUNCILMAN PATTERSON – Thank you. On this certification; how are they going to certify something that doesn't exist?

TED HERNCANE – That is a great question. It would be the same rationale as with the other and those will tie into some of the later motions, but it would be the same rationale as with water usage. They have an anticipated water usage. They don't really know what the usage is until they are operational, same with the electrical. We are going on an assumption that data centers have done this before and know approximately what they think based on the size of their construction, the volume would be. So, yes, in some respects, I agree with you that we don't know what the volume is, but it would be at least a baseline as part of their certification saying, we anticipate decibel levels of 40 onsite and 0 at the nearest residentially zoned district. And we'll tie that one into the #4 and #5.

COUNCILWOMAN HARWIG SMITH – Councilwoman Bryan-Huth.

COUNCILWOMAN BRYAN-HUTH – Just a comment; back to that qualified person we had the conversation before and we'll have to get to it in Work Session, but just to put it on the radar, who that person is, how are they trained, where that funding's going to come from? Because we kind of went hamster in a wheel with that before.

TED HERNCANE – Well, this wouldn't be our qualified person. This would be their qualified person. An audiologist, a person who deals with this.

COUNCILWOMAN HARWIG SMITH – And they're responsible for paying for all of this?

TED HERNCANE – Correct. This is part of their application for Site Plan Review.

COUNCILWOMAN HARWIG SMITH – Do you think, I know it's not on here on these motions, but as we're working through this over the next six weeks, that with like how we did with the marijuana stores, that they had to put an application fee, just because of all the extra work and Site Planning Committee has to do with these too, should we have an application fee like we did before?

TED HERNCANE – We did that with the recreational dispensaries because the State of Ohio said we could. I don't believe the State of Ohio allows us since there are several data centers operating in the State already, I think as a statutory city, I think we can only do it if the State allows us and I don't believe they have allowed us to do an application registration process similar to what we did a couple of years ago.

COUNCILWOMAN HARWIG SMITH – Right, because obviously we'll be putting a lot more time into something like this. Just a question. Councilman Paquelet.

COUNCILMAN PAQUELET – Thank you, Councilwoman Harwig Smith. Mr. Herncane, on that one on #3 though, on all the other ones when it talks about wastewater or electrical use, it doesn't give us quite a number, but it kind of alludes to a number. But with the sound, I'm not saying we should have a decibel sound, but it doesn't quite get just as they'll have a sound, but it is very vague.

TED HERNCANE – It is very vague, yes.

COUNCILMAN PAQUELET – The other ones aren't as vague.

TED HERNCANE – Sure. With the other certifications, again, your comparing it at least against something. If they say we're going to use X kilowatts of power, that certification is to basically certify that the power is available based on the capacity of the power plant or the substation, right? Mr. Seeberger would admit, it's very difficult to try and wrap some regulations around something as vague as sound when we don't really know.

COUNCILMAN PAQUELET – I'm not saying that we should have a necessary number though either, because you pick a number and that scares away a lot of other businesses or other entities where if they were to exceed that number or they may not come in because they're fearful that they could exceed that number. So, it'll be a difficult one to regulate or for the Site Plan Review Committee if this were to stand as is, it'll be difficult to review. Thank you.

COUNCILWOMAN HARWIG SMITH – Anyone else have any questions for Mr. Herncane? Councilwoman Bryan- Huth.

COUNCILWOMAN BRYAN-HUTH – Thank you, Mrs. Harwig Smith. We do have a noise ordinance and it is for residential and industrial zones and that is in our codified ordinances. So, in conjunction with this, we should reflect back to that and see if that needs to be

amended. But to keep in mind that there are many industries in our town that are next to areas and we need everyone to work together.

COUNCILWOMAN HARWIG SMITH – President Pro Tem.

COUNCILMAN GREGG – In this case, I have a question as Councilman. So, correct me if I'm wrong, Mr. Herncane, motion #3, basically it's saying that they're going to determine the decibel level, but this gives us the ability to hold them to it.

TED HERNCANE – Correct.

COUNCILMAN GREGG – That's really what the intent of this is is that, once it's established whatever it may be, this gives us the ability to say you said it was going to be this, it needs to be this.

COUNCILMAN PAQUELET – Good point.

TED HERNCANE – Correct. It's almost like a self-monitoring baseline that when we get into motions #4 and #5, I'll show you how it goes back.

COUNCILMAN GREGG – Thank you.

COUNCILWOMAN HARWIG SMITH – Councilman Patterson.

COUNCILMAN PATTERSON – Thank you, Councilwoman Harwig Smith. I guess my other question is, so, would this be in lieu to the current regulations in regards to noise? Because I'm looking at the ordinance right now and there are different decibel levels that are listed here.

TED HERNCANE – What does it list for I-2?

COUNCILMAN PATTERSON – For I-2 it's 70 Sunday through Thursday and then weekdays 60 Sunday through Thursday. Oh no, I'm sorry, it goes by time; 8:00 a.m. to 10:00 p.m. its 70, 10:00 p.m. to 8:00 a.m. its 60, 8:00 a.m. to 11:00 p.m. on the weekends its 70 and 11:00 p.m. to 8:00 a.m. on Friday, Saturday and holidays its 60. So we would have to hold them accountable to those levels during those hours in lieu of what this says as well, right?

TED HERNCANE – Right. Remember in an I-2, you're allowed to make noise. You're allowed to have dust. You're allowed to have things that can be sensed in neighboring districts, but as long as it's not those external affects, it's written in our I-2 chapter that there is the acknowledgement that external affects from an I-2 district may be felt by surrounding districts within reason.

COUNCILWOMAN HARWIG SMITH – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, Councilwoman Harwig Smith. Does that mean, then, if they go above the decibel sounds that we would have the authority to fine them?

TED HERNCANE – It depends on what Councilman Patterson would find at the end of that chapter or section, there's usually a penalty. There usually are in every chapter and these ordinances are old, sometimes it says a minor misdemeanor citation. Sometimes it might say a \$50.00 fine.

COUNCILWOMAN CUNNINGHAM – I say that in reference to when we were having so much trouble with the reservoir and the State said that they could fine us a million dollars a day if we didn't bring those levels down.

TED HERNCANE – That is the good thing about being the State.

COUNCILWOMAN CUNNINGHAM – Thank you.

TED HERNCANE – Moving forward. Motion #4. So what #4 adds is two things; this basically, now I think they have it in general practice, it just may not be stated in the codified ordinances, but this actually states that the Site Plan Review Committee reserves the right to revisit any approved site plan, post construction for possible changes or amendments concerning all the four things then that we are asking certifications from and their effects on the surrounding areas. With the caveat that when the Site Plan Review Committee makes a motion to approve a site plan, it adds the language in #2 which means that it is subject to post construction, etc. review by the Site Plan Review Committee. So what this does, it explicitly states that the Site Plan Committee can revisit an original site plan should there be concerns from let's say a surrounding neighborhood or this could be anywhere from a year to ten years after a data center is constructed. This expressly says the Site Plan Committee can revisit, go back to what was approved and weigh those things that were stated initially. Power use, water use, noise level, wastewater, etc., and if those things are found to be let's say grossly negligent compared to what they said they were going to do, then that ties into motion #5.

COUNCILWOMAN HARWIG SMITH – Councilwoman Bryan-Huth.

COUNCILWOMAN BRYAN-HUTH – Thank you, Councilwoman Harwig Smith. When I read this, Ted, for the #2 of motion #4, approval of a data center site plan by the Site Plan Review Committee shall be expressly marked "subject to post construction". So, every data center gets a post construction site plan review?

TED HERNCANE – No. It means that they could be subject to. So when the Site Plan Review Committee meets and we go around the table and we call for a motion, there's usually something to the effect of was there a motion to approve the site plans as submitted or subject to any changes that maybe were made at that time. But this basically states that when we make a motion to approve a site plan, we have to let the party know that we're approving your site plan, however, it subject to post. It doesn't mean that we're going. It's just letting them know and let the record know for people in the future that the site plan was approved, but it is subject to further review should certain situations warrant.

COUNCILWOMAN BRYAN-HUTH – Okay. I might like it better if it was contingent upon and I don't know how that works in site planning.

TED HERNCANE – Well, you can't really make a motion contingent upon post construction because you'll never get to construction. So, can we go to motion #5 real quick? These all kind of flow together. Motion #5, I'm not going to read this whole paragraph, but Atty. Seeberger did construct this new paragraph to add. Basically saying that post construction, post operation, a data center is in operation at some point in the future that if, let's say, there's concerns about noise or let's say there's concerns about any utility consumption or things like that, the Site Plan Review Committee may conduct a public hearing and gather information on that project. Compare it, the current status to what was approved and let's say, his language

here is “materially fails”; let’s say they materially fail to meet their noise levels or their water usage or wastewater usage, then the Site Plan Review Committee can issue an order or the City can issue an order giving the data center sixty (60) days to correct, whatever deficiency based on how above their initial certifications were. We can give them sixty (60) days to correct to get into compliance which would be their original certifications. Like, let’s say, there was a sound issue and we required them to put up additional trees or a sound wall or something like that. Then if that sixty (60) days comes and goes, Atty. Seeberger does feel that there is the possibility of the City or City Council writing a recommendation that could temporarily suspend operations until compliance is achieved. We certainly would want to work with any party whether they be a data center or any other business in town before we get to that avenue because that would get messy. But, the theme of these is to provide some post construction comfort for residents, for City Council, for other interested parties that there would be some mechanisms in place should issues arise, we can try and remediate those as painlessly as possible.

COUNCILWOMAN HARWIG SMITH – Thank you very much. That’s great and thanks to Atty. Seeberger. Councilman Patterson.

COUNCILMAN PATTERSON – Thank you. I just got one point on that, real quick. Sounds like we should be doing something similar to what we do with the enterprise zone program and do an annual review. Is that feasible? Are we contemplating assigning someone from the Building Dept. to maybe, or am I thinking too much?

TED HERNCANE – You might be over thinking it, but I like where you’re going. So, as we mentioned several weeks ago, this is a several step process before we get a data center, right?

COUNCILMAN PATTERSON – Right.

TED HERNCANE – The first part is changing the ordinance. The second part is, I’m going to make the assumption that should we get a data center in Massillon, there’s going to be a tax abatement that you all would have to approve and should there be a tax abatement, those are automatically reviewed annually by the Tax Incentive Review Committee. So, there’s kind of already a built-in mechanism to review that. It’s based on jobs, retention; it could be based on maybe some other promises. There might be an avenue for a separate type of review, but I think that is certainly a good committee to be in front of to discuss those things.

COUNCILMAN PATTERSON – I just think it would behoove us to be able to report back, okay, we got this data center here. How much water are they using, just what everybody is concerned about, right? So to alleviate that concern, we need to be able to report back to them the actual numbers to a certain extent. Without intruding on their privacy and things of that nature.

COUNCILWOMAN HARWIG SMITH – We don’t do that to other industries.

TED HERNCANE – Well, we don’t do that to other industries.

COUNCILMAN PATTERSON – But we’re putting all these regulations on the data centers, so like you either want to do it or you don’t, from that standpoint.

TED HERNCANE – We're also relying on other than our Wastewater Dept. which we do have control over, we're also relying on private utilities to provide us with that information which they may not have to give us.

COUNCILMAN PATTERSON – And it's not necessarily a burden on the company, it's just we'd like to know where we're at to a certain extent. That's all.

COUNCILWOMAN HARWIG SMITH – Does anyone else have any questions? Alright, I guess we need to go through each motion and vote on or can we do all at once?

PRESIDENT PRO TEM GREGG – I would prefer that we do each one.

COUNCILWOMAN HARWIG SMITH – Individually so there's clarity.

PRESIDENT PRO TEM GREGG – In case anybody has a problem with any one of the motions.

COUNCILWOMAN HARWIG SMITH – Okay. So, motion #1, I make a motion to amend Ord. No. 60 – 2026 to remove all references to I-1 light industrial zoning district.

PRESIDENT PRO TEM GREGG – Seconded by Councilman Ray. Roll call for the amendment.

9 yes for the amendment

PRESIDENT PRO TEM GREGG – Motion #1 is amending the ordinance.

COUNCILWOMAN HARWIG SMITH – I'd like to make a motion to amend Ord. No. 60 – 2026 to reflect a setback of 400 feet from a residentially zoned district for both non-large scale data centers and large scale data centers.

PRESIDENT PRO TEM GREGG – Seconded by Councilwoman Cunningham. Roll call for the amendment.

8 yes; 1 no – Gregg for the amendment

PRESIDENT PRO TEM GREGG – Ord. No. 60 – 2026 is amended by motion #2. Motion #3.

COUNCILWOMAN HARWIG SMITH – I'd like to make a motion to amend Ord. No. 60 – 2026 to add certification from an appropriately qualified person regarding noise levels as measured by the peak decibels to be generated by the data center, both on the parcel on which the data center will be located and at the nearest residentially zoned district, as part of the Site Plan Review Committee application.

PRESIDENT PRO TEM GREGG – Seconded by Councilman Paquelet. Roll call.

6 yes; 3 no – Patterson, Ray and Townsend for the amendment

PRESIDENT PRO TEM GREGG – Ord. No. 60 – 2026 has been amended by motion #3. Motion #4.

COUNCILWOMAN HARWIG SMITH – I'd like to make a motion to amend Ord. No. 60 – 2026 to add the following language: #1, The Site Plan Review Committee reserves the right to revisit any approved site plan for possible changes or amendments concerning noise level, lighting, water use, electrical or other energy use, wastewater use, and their respective effects on surrounding areas, and #2, Approval of a data center site plan by the Site Plan Review Committee shall be expressly marked "subject to post construction and initial operation review by the Site Plan Review Committee".

PRESIDENT PRO TEM GREGG – Seconded by Councilman Paquelet. Roll call.

9 yes for the amendment

PRESIDENT PRO TEM GREGG – Ord. No. 60 – 2026 has been amended by motion #4. Motion #5.

COUNCILWOMAN HARWIG SMITH – I make a motion to amend Ord. No. 60 – 2026 to add the following: (d)(6) For large-scale data centers and non large-scale data centers that have been constructed and put into service as a result of action by the Site Plan Review Committee, the Site Plan Review Committee may conduct a public hearing not more than one-hundred twenty (120) day and not less than sixty (60) days after the data center begins operation. At that hearing, the Site Plan Review Committee shall compare the actual current operation of the data center with the certifications provided pursuant to Section 1187.09(c). If the Site Plan Review Committee determines that, in any category, the data cent materially fails to meet the standards contained within such certifications, it shall first issue a notice letter to the operator of the data center, giving the operator not more than sixty (60) days to come into compliance with such standards. If at the end of that time, the data center operator has failed to demonstrate to the Site Plan Review Committee that it now materially complies with such standards, the Site Plan Review Committee shall forward to City Council a written recommendation that may include suspending further operation of the data center until compliance is achieved. City Council shall then review this recommendation and act in accordance with Chapter 1137 of the Codified Ordinances of the City of Massillon.

PRESIDENT PRO TEM GREGG – Seconded by Councilwoman Cunningham. Roll call.

9 yes to the amendment

PRESIDENT PRO TEM GREGG – Ord. No. 60 – 2026 is amended by motion #5.

COUNCILWOMAN HARWIG SMITH – First reading.

PRESIDENT PRO TEM GREGG – Ord. No. 60 – 2026 has received first reading.

17. SECOND READING ORDINANCES AND RESOLUTIONS

PRESIDENT PRO TEM GREGG – Ord. No. 67 – 2026.

AN ORDINANCE to provide for water service to be furnished by Aqua Ohio, Inc. to the City of Massillon, Ohio, and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio, for and during the period from January 1, 2027 through December 31, 2031.

PRESIDENT PRO TEM GREGG – Councilman Townsend.

COUNCILMAN TOWNSEND – Thank you, Council Pro Tem. I would like to amend Ord. No. 67 – 2026 to include Division A which is entitled “Measured or Metered Service Rate Schedule” and then Division B which is entitled “Private Fire Protection Rate Schedule” then Division C which is entitled “Public Fire Protection Service Rate” and Division D which is entitled “Bulk Water Sales” and Division E which is entitled “Customer Impact Fee”. This information was provided by Aqua Ohio after Ord. No. 67 – 2026 appeared on the agenda June 15, 2026 for consideration. I would like to call a representative from Aqua Ohio up please. They’re not here? Okay.

PRESIDENT PRO TEM GREGG – We need a second to amend. Councilwoman Bryan-Huth. Roll call.

9 yes to the amendment

PRESIDENT PRO TEM GREGG – Ord. No. 67 – 2026 has been amended. Councilman Townsend.

COUNCILMAN TOWNSEND – First reading.

PRESIDENT PRO TEM GREGG – Ord. No. 67 – 2026 has received first reading.

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

19. ADJOURNMENT

PRESIDENT PRO TEM GREGG – Councilman Ray.

COUNCILMAN RAY – I’d like to make a motion to adjourn.

PRESIDENT PRO TEM GREGG – Seconded by Councilman Paquelet. Roll call.

9 yes to adjourn

PRESIDENT PRO TEM GREGG – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

MIKE GREGG, PRESIDENT PRO TEM