

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD TUESDAY, SEPTEMBER 3, 2024**

COUNCIL PRESIDENT SLATER – Welcome to the Massillon City Council Meeting for Tuesday, September 3, 2024. We have in attendance the following City officials: Mayor, Jamie Slutz, Safety Service Director, Renee Baker, Director of Development, Ted Herncane, Income Tax/Budget Director, Lori Kotagides-Boron and Street Superintendent, Tom Burgasser. 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, Madam Clerk.

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 and Ed Lewis

Roll call of 6 present

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – I’d like to make a motion to excuse Councilman Ray and Councilman Lombardi.

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

6 yes to excuse Councilman Lombardi and Councilman Ray

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk. Councilman Lombardi and Ray have been excused. Councilwoman Harwig Smith.

2. INVOCATION

COUNCILWOMAN JULIE HARWIG SMITH

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILWOMAN HARWIG SMITH

4. READING OF THE JOURNAL

COUNCIL PRESIDENT SLATER – Thank you, Councilwoman Harwig Smith. 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. Thank you, Madam Clerk.

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

6. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Thank you. I just wanted, as miscellaneous business, to cover for this evening that since we have six in attendance, just for the record so that we're all on the same page; I would believe that we'd most likely do not meet the standards to suspend the rules if we were wanting to move forward on anything that was in first and second reading. So most likely, our best course of action would probably be just to give those readings and all matters that are on third reading, since we do not need to suspend, if we so chose, we can move forward on a vote. Just keep in mind that when it comes to emergency language, you do need six "yes" in order for emergency language to go into effect. If you get less than that then the emergency language does not go into effect, but the legislation could still pass with five. That's it. I just wanted to bring everybody to the same page.

COUNCIL PRESIDENT SLATER – Thank you.

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT SLATER – Ord. No. 78 – 2024.

ORDINANCE NO. 78 – 2024

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE enacting CHAPTER 558 "TREE REMOVAL PROGRAM" under PART FIVE, "GENERAL OFFENSES CODE" of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – First reading.

COUNCIL PRESIDENT SLATER – Ord. No. 78 – 2024 has received first reading. Ord. No. 79 – 2024.

ORDINANCE NO. 79 – 2024

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2024, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – First reading.

COUNCIL PRESIDENT SLATER – Ord. No. 79 – 2024 has received first reading. Ord. No. 80 – 2024.

ORDINANCE NO. 80 – 2024

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2024.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – First reading.

COUNCIL PRESIDENT SLATER – Ord. No. 80 – 2024 has received first reading.

8. UNFINISHED BUSINESS

COUNCIL PRESIDENT SLATER – Just a reminder about the fraud training that was mandated by the State Auditor, David Yost. The deadline is September 28th.

9. PETITIONS AND GENERAL COMMUNICATIONS

A Request for a New Liquor License for MCM Enterprises of Massillon, LLC, DBA Menches Brothers located at 235 Lincoln Way W., Suite B 106, Massillon, Ohio 44647. Permit Class is D1 and is located in Ward 2.

10. BILLS, ACCOUNTS AND CLAIMS

Visual Edge IT – \$ 52.70 – Overage Charge – 05/24/2024 to 08/23/2024

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – I motion that we pay the bills.

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

6 yes to pay the bills

COUNCIL PRESIDENT SLATER – Thank you, Madam Clerk.

COUNCILWOMAN CUNNINGHAM – Mr. President?

COUNCIL PRESIDENT SLATER – Yes.

COUNCILWOMAN CUNNINGHAM – I have a question. Was this the company that we spoke about that we would possibly paying them a year at a time rather than monthly because we'd always be late?

COUNCIL CLERK ROLLAND – That was the US Bank lease and we did get that bill in today. I didn't put it on the agenda because we just got it today, but I'd like to go ahead and pay it. That's the one that Ed was talking about having a blanket agreement to go ahead and pay it

because it's due on the 21st of this month and our next meeting is the 16th and the Auditor's office only checks out on Mondays so that would take it to the 23rd. So, I'd like to just go ahead and pay it and put in on the agenda for next meeting that it has been paid.

COUNCILMAN LEWIS – So that is the US Bank lease agreement for our copier?

COUNCIL CLERK ROLLAND – Correct.

COUNCILMAN LEWIS – And what is the amount of that?

COUNCIL CLERK ROLLAND - \$127.00

COUNCILMAN LEWIS – I'd like to make a motion to direct the Clerk to go ahead and pay US Bank lease.

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

6 yes to also pay US Bank which is our lease for our copier

11. REPORTS FROM CITY OFFICIALS

Treasurer's Report - July 2024

COUNCIL PRESIDENT SLATER – Thank you.

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT SLATER – Our next Work Session will be Monday September 9, 2024, at 6:30 p.m.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Mr. President. With Councilwoman Sarita's approval, I'd like to give a shout-out tonight to Massillon Tigers for starting the season off 2-0, two big wins. Won against the NFL Academy in Oregon and the other one against Glenoak, our lately rival. So, starting off the season 2-0. Got a big game coming up this week with Bergen Catholic from New Jersey. A nationally ranked team. In fact, they're ranked 23rd in the nation and the Tigers are ranked 24th. So this is a huge game for the Tigers. We want to show the team from New Jersey what Ohio football is all about and especially what Massillon football is all about. So, just calling for folks in the community to come out and support the Tigers. We need a big crowd there. The weather is going to be beautiful. So, come out and support the Tigers. Go Tigers. Thank you.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – I just wanted to report out to the members of Council that we received notification that the Central Committee of the Republican Party of Ward 6 will be meeting on the 9th at 5:00 p.m. It is the goal of that meeting to select an appointment to

replace Mr. Michael Snee as a Ward 6 Councilman. So it is quite possible that that selected person may be in attendance next Monday, as long as they are able to make it and we can get them sworn in on time. With that, those of you who are familiar, we will probably have to discuss at that meeting how we want to handle committee assignments if there's any adjustments or what not that need to be made at that time; so we would be prepared for the 14th to vote on whatever that resolution may or may not be.

COUNCIL PRESIDENT SLATER – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, Mr. Slater. Councilman Lewis, is it open to the public and where will this meeting be?

COUNCILMAN LEWIS – It is open to the public. I believe it is 5:00 p.m. at headquarters for the Republican Party.

COUNCILWOMAN CUNNINGHAM – Thank you.

COUNCIL PRESIDENT SLATER – Anyone else?

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT SLATER – Ord. No. 60 - 2024

ORDINANCE NO. 60 – 2024

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE enacting CHAPTER 778 “ADULT USE CANNABIS CONTROL” under PART SEVEN, “BUSINESS REGULATION CODE” of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Mr. President. As stated, this ordinance is enacting a chapter for adult use cannabis control. We've had conversation regarding permitting adult use cannabis operators within the City. We've amended this ordinance to limit the number of operators and also adjust the fees. Are there any questions regarding this?

COUNCIL PRESIDENT SLATER – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Thank you, President Slater. May I have a couple of administrators come forward please?

COUNCILWOMAN CREAMER – And they are?

COUNCILWOMAN CUNNINGHAM – Lori Kotagides and Ted Herncane, please, and the Mayor.

COUNCIL PRESIDENT SLATER – Please come forward.

COUNCILWOMAN CUNNINGHAM – I have a couple of comments/questions. We need to consider eventual consequences from irresponsible marijuana users. The most, probably, will increase in numbers as time goes on. The question being, what cost will Massillon face from recreational drugs? Police may be more busy with checks or home visits to parties and more space for arrest. Social services may be need for resources to take care of people that may become addicted. At what cost increases may occur for not only police but even ambulance services and the fire department and would the Council be prepared to have a deeper look into these consequences and who would be financially responsible?

MAYOR SLUTZ – Thank you, Council. Ms. Cunningham, marijuana is here already. Marijuana's been here for years. Because we want to open dispensaries in the City and take advantage of other people's monies to help us doesn't mean that more people are going to be using marijuana. I, myself, I will not use marijuana, but I have to respect the fact that people voted to legalize marijuana in this state. So, I myself, I won't use it, but I respect the voters and that's why we are here. So, as far as more ambulance calls; I don't think those are going to increase because there's dispensaries here. People are already using marijuana. The police officers have been busy for years dealing with people overdosed on fentanyl and other drugs. I've never seen anybody ever overdosed using marijuana. So, to answer your question; our safety forces aren't going to be any more busy because we legalize or we have dispensaries in the City than people buying drugs illegally when it was illegal.

COUNCILWOMAN CUNNINGHAM – But that's not answering my question about financially, will the Council be responsible if we have to increase budgets due to those questions I just asked you?

MAYOR SLUTZ – Okay. Our police department, I believe, is up to forty-nine officers. I believe there's another office in the academy. When he or she gets out, we'll be up to fifty which is our staffing levels. Myself, I don't believe we're going to have to increase the staffing levels due to these dispensaries. Because, like I said, the officers that are working the streets have already been dealing with people using drugs throughout, at least my career on the police department. So, those people are going to continue to use marijuana and the people that don't smoke it now, I would bet a paycheck that they're not going to start because marijuana's legal. You either use marijuana or you don't use marijuana because people were selling it on the streets to begin with and those people, maybe possibly put in some dangerous situations when they go to these drug houses not knowing what they're walking in to or who's there or possibly getting robbed. So, I believe that the dispensaries, the people vote "yes" for it and it would be a safe place for people to buy marijuana.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – I just want to assist with the answer. One, you're asking if the Council would be prepared and, with all due respect, Mayor Slutz, he can't answer that question because he's not the Council. So, it would be our Body if we were prepared for one. And two, in my opinion, I think we would handicap ourselves because these are funds that we can be receiving through tax revenue and if we don't allow the dispensaries in, we would not be receiving, but yet, we would still have the side effect of legal marijuana in our community and not have the funds to help with any kind of negative consequences, thereof. For example, I was just at a Labor Day party this weekend and it was out in the open. It was multiple neighbors sharing the community area and as soon as you walked into the party, you could smell the marijuana and at first I found it alarming, but then I remembered that it's legal now.

There's nothing you can do about it and we don't have a single dispensary in the City yet, but yet, it was still quite prevalent. So, by not having the dispensaries to provide the tax dollars, we would actually be handicapping our safety forces and our social services to be equipped to handle any potential harmful effects.

COUNCIL PRESIDENT SLATER – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – Councilwoman Cunningham, in response too, if you read the legislation, I don't know the exact percentage, I read it months ago, the State legislation; and a large percentage of this money, just like gambling, goes to people who have problems, who become addicted' who can't just be recreational. Just like with alcohol to gambling. So there is money that the State is setting aside that comes from this.

COUNCIL PRESIDENT SLATER – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – As I read the reports, the monthly Mayor's Report; they seem to be meticulous with how many ambulance runs there and so on and so forth. We will we have records along the marijuana trail as well?

MAYOR SLUTZ – As far as who's being transported to the hospital because of marijuana use?

COUNCILWOMAN CUNNINGHAM – Or whatever. Or say there's a fight at a party because everybody's high? I mean, we don't know what kind of affects are going to happen. We really don't.

MAYOR SLUTZ – Ms. Cunningham, I would tell you that throughout my career with the police department, we dealt with people every weekend who were drunk from alcohol and fighting like that. But the people that were smoking marijuana were pretty laid back and not causing a problem. So, I don't feel that the use of marijuana or having these dispensaries in the City are going to increase ambulance calls for our firefighters and paramedics.

COUNCILWOMAN CUNNINGHAM – I just wanted to bring all this on the record. I wanted to let folks that I've been getting calls from and asking these questions know. Thank you.

COUNCIL PRESIDENT SLATER – Councilman Gregg.

COUNCILMAN GREGG – I just wanted to add; I think that the revenue from the sale of marijuana in the dispensaries is going to much more than offset any additional expenses to the City and give us additional revenue to address those expenses. So, I'm not concerned about the increase in cost involved by the establishment of the dispensaries in the City. Thank you.

MAYOR SLUTZ – The State takes 10% of the amount of money that these dispensaries make and the City, I believe, gets 35% of that.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – I do not have any statistics with me, but with my 16 to 17 years in social services in this community, my experience has been that the financial burden and the social burden on our community is much higher as related to alcohol. With alcohol you are dealing with deaths, you are dealing with violence, you are dealing alcohol poisoning, you are

dealing with infants born of alcoholism of their mother which causes lifelong challenges for that child and then you also have, the next one would be your opioids and your prescription medications that are left unattended and unsecured and people abusing those. Those are a far bigger issue than marijuana can ever become as far as our social and economic concerns in our community and quite frankly, probably the conversations we should be working towards addressing when it comes to those concerns. I also wanted just to point out real quickly, if you don't mind, for tonight's vote, again, this is one of the ones that six would keep the emergency language in, five would passage, no emergency language, less than five "yes" votes tonight would mean that this would fail tonight and I would just remind this Council that if this fails tonight, it means that we have no local governance over the dispensaries that come into this community and there is nothing stopping them from coming into this community; they would come in and not have local regulation meaning that we'd only be able to depend on State regulation if we wanted to take any action. So, just think about that as we are voting this evening.

COUNCIL PRESIDENT SLATER – Thank you. Any more questions? Councilwoman Cunningham, you good?

COUNCILWOMAN CUNNINGHAM – No, but no more questions. Thank you.

COUNCIL PRESIDENT SLATER – Okay. Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Mr. President. So, if no one has any more questions, I would like to make a motion to bring Ord. No. 60 – 2024 up for a vote.

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

5 yes; 1 no for passage; Cunningham voted "no"

COUNCIL PRESIDENT SLATER – Ord. No. 60 – 2024 has passed. Ord. No. 61 – 2024.

ORDINANCE NO. 61 – 2024

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending PART ELEVEN "PLANNING AND ZONING CODE", CHAPTERS 1163, 1165, and 1167 of TITLE FIVE, "ZONING DISTRICTS" of the Codified Ordinances of the City of Massillon, Ohio, to allow as a permitted use in all B-1, B-2 and B-3 business districts, adult use cannabis operators, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Mr. President. This ordinance goes hand-in-hand with the prior ordinance. This is allowing the adult use cannabis operators to be permitted in all B-1, B-2 and B-3 business districts with the amending those Chapters 1163, 1165 and 1167. Are there any questions regarding this request?

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – First, this is to simply fine tuning where they can or cannot be located, I believe, is that correct?

COUNCILWOMAN CREAMER – This is permitting them in those three business areas.

COUNCILMAN LEWIS – And then the title here says, excluding Historic Districts. I believe we had changed that and that’s a typographical error?

COUNCIL CLERK ROLLAND – Yes. That is a typo. The actual ordinance does not have that.

COUNCILMAN LEWIS – Thank you.

COUNCIL PRESIDENT SLATER – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I’d like to make a motion to bring Ord. No. 61 – 2024 forward for a vote.

COUNCIL PRESIDENT SLATER – Seconded by Councilman Gregg. Roll call

6 yes for passage

COUNCIL PRESIDENT SLATER – Ord. No. 61 – 2024 has passed.

16. SECOND READING ORDINANCES AND RESOLUTIONS

COUNCIL PRESIDENT SLATER – Ord. No. 75 – 2024.

ORDINANCE NO. 75 – 2024 **BY: HEALTH, WELFARE & BLDG. REGS. COMMITTEE**

AN ORDINANCE amending Section 509.12 “Noise-Making and Noise-Amplifying Devices; Variances” under CHAPTER 509 “DISORDERLY CONDUCT AND PEACE DISTURBANCE” of “PART FIVE – GENERAL OFFENSES CODE” of the Codified Ordinances of the City of Massillon, Ohio.

COUNCIL PRESIDENT SLATER – Councilwoman Cunningham.

COUNCILWOMAN CUNNINGHAM – Second reading.

COUNCIL PRESIDENT SLATER – Thank you. Ord. No. 75 – 2024 has received second reading. Ord. No. 76 – 2024.

ORDINANCE NO. 76 – 2024 **BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1206 Municipal Motor Vehicle Tax Fund, for the year ending December 31, 2024, and declaring an emergency.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT SLATER – Ord. No. 76 – 2024 has received second reading. Ord. No. 77 – 2024.

ORDINANCE NO. 77 – 2024

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the purpose of salaries and benefits, for the year ending December 31, 2024.

COUNCIL PRESIDENT SLATER – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT SLATER – Ord. No. 77 – 2024 has received second reading.

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

18. **ADJOURNMENT**

COUNCIL PRESIDENT SLATER – Councilwoman Harwig Smith.

COUNCILWOMAN HARWIG SMITH – I'd like to make a motion that we adjourn.

COUNCIL PRESIDENT SLATER – Seconded by Councilwoman Creamer. Roll call, please.

6 yes to adjourn

COUNCIL PRESIDENT SLATER – Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

MIKE SLATER, PRESIDENT