

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 10, 7:00 p.m., 2001
(YEAR)

CALL TO ORDER:

The council meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.

2. The opening prayer was delivered by Rev. Reid Firestone, Mt. Pleasant Church of the Brethren.
3. Pledge of Allegiance.

ROLL CALL:

4. The following members of council responded to roll call: Foltz, Kiesling, Magel, McLaughlin, Sarbach, Snyder and Wiley. Also present were: Mayor Rice, Director of Administration Boyajian, Assistant Director of Law Treadon, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.
5. Consideration of Minutes of Council Meeting: 8/27/01

Mr. McLaughlin moved and Mr. Sarbach seconded to accept the minutes of the council meeting as presented. All members present voting:

Yes: Kiesling, Magel, McLaughlin, Sarbach, Snyder, Wiley and Foltz.

No: 0

6. Committee Reports

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held September 4, 2001.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held September 4, 2001.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held September 4, 2001.

Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held September 4, 2001.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held September 4, 2001.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held September 4, 2001.

Mr. Foltz: Council President.

Mr. Snyder: Please.

Mr. Foltz: Can I ask a question on the Finance & Property Committee meeting minutes?

Mr. Snyder: Yes sir, point well taken. Those minutes have been corrected. It was my mistake. My apologies. That vote was 7, 0 - not 5, 2 and they've been corrected...

Mr. Foltz: Okay.

Mr. Snyder: as presented.

Mr. Foltz: That was - that was just passed out earlier. My other question would be is letter b, legislation request for the water report mailing. Are we just paying that company \$10,000.00 or weren't we going to...

Mr. Snyder: Plus postage.

Mr. Foltz: weren't you breaking that postage out and paying it under another...

Mr. Snyder: It comes to I think \$11,167.16...

Mr. Foltz: Okay.

Mr. Snyder: or something. But almost \$1,200.00 in postage.

Mr. Foltz: Okay, I just wanted the record to reflect that. I would have voted for just \$10,000.00, but since it was a split of the postage and the report. Okay, I'll hold true to my vote on that earlier on the committee.

Mr. Snyder: Okay.

Mr. Foltz: Okay. That's it.

Mr. Snyder: Thank you. Is there a motion to accept as presented with...

Mr. Sarbach moved and Mr. Wiley seconded to accept the committee report minutes as presented. All members present voting:

Yes: Magel, McLaughlin, Sarbach, Snyder, Wiley, Foltz and Kiesling.

No: 0

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7. Recognition of Visitors

Mr. Snyder: Thank you. At this time is there anyone in the audience wishing to speak before the Council this evening? If so please step forward, state your name and address for the record. Please step forward to the microphone as these are recorded minutes. Sir...

Shawn O'Brien: My name is Shawn O'Brien. I live at 1460 - 1460 Hillbrook Avenue. I happen to be the developer of Oakhill Estates, which is located in the City of North Canton. I find at this particular time of little bit of interest in the aspect that I as a developer have quite a bit of knowledge as far as wetlands is concerned. I have developed wetlands, I have delineated wetlands and I have mitigated wetlands. The last time I did that I had to pay approximately \$30,000.00 to Jackson Township in order to mitigate wetlands. It is with that, that I have much concern when I happen to see wetlands being delineated from our particular area. That happens to be the case right now. Behind me a gentleman happens to be on Easthill. There is a wetlands that are on there that is being delineated at this particular time. I find it very concerning that I as a developer, if I were to delineate wetlands without a permit, that chances are this Council, the Ohio EPA, the Army Corp of Engineers would come down severely on me; to the point of doing fines of \$10,000.00 a day. But on the other hand an individual can do -- delineate wetlands and nothing happens. I have tried for approximately a month to have some type of resolution to this. Unfortunately, in talking to the Army Corp of Engineers they classify this as a low priority. And that kind of shocks me from the standpoint that if I were to do it as a developer, it becomes a very high priority, but when an individual does it, it's a low priority. I see this as a two prong thing. This is not equal as I see it. There is also another problem that we happen to have there and that is this, because of the delineation that has happened on there is that he has moved dirt. Now that may not sound like an awful lot, but it does mean an awful lot to me; and that is this, he has disturbed the drainage - the natural drainage of the property. Now why is that important? Well that's important only because: One - I as a developer up above, chances are if there's flooding next -- this fall or next spring, I'm the one that's going to get called. And I'm going to be the one that's -- I'm the one that's going to be asked, well because you developed this piece of property you destroyed the drainage in here and that's why I have drainage problems. And I wanted to make sure that this council knew that it is not my fault for doing that and that it is somebody else's fault for moving soil and making a problem as far as drainage is concerned. I have another problem with that and that if this continues what will happen is there will be a law suit. And as I understand it the only way to stop this individual from filling in this wetlands and changing the course of the water flow around it is for me to file a law suit. I'm not looking forward to that, but if it has to be then I am willing to file that law suit. And at that particular time this city happens to come into that law suit with me. I don't think anybody here wants that. This is my attempt to try to have the city work with me and this individual so that we don't have to take that last step. I'm confident that we can work something out. I'm hoping that Jim Benekos and Gene Hemminger will help -- work with me; they already have. I appreciate your working with me Jim, on that. There is a storm sewer that is on the property. It happens to be on the west side of this gentleman's property at the lowest point, that is where the natural flow of water goes to. But he is advertising right now on his lot that he is -- that he is at -- let me back up - he is advertising by a billboard on his property that he wants he wants fill - he wants clean fill. And he wants to fill this property, which is going to alter the drainage and ultimately destroy the wetlands that were on that property that now have been absolutely decimated. I would hope that the Council would act with me in trying to prevent this from happening. I thank you for your time. And if there's any questions I would be more than happy to answer them. Yes.

Mrs. Magel: Yes sir, you're speaking wetland delineations.

Mr. O'Brien: Yes.

Mrs. Magel: And you're speaking of one gentleman?

Mr. O'Brien: Yes.

Mrs. Magel: Is he from Ohio State?

Mr. O'Brien: That I do not know. He just recently bought the property. He has been clearing it for over a month - has had a bulldozer in there...

Mrs. Magel: Okay.

Mr. O'Brien: has taken it out.

Mrs. Magel: I don't think this is the same. Alright, and he's basically destroying the flow of the water?

Mr. O'Brien: Yes. Right now there's a couple of mounds because he has pushed all of this dirt to the back. Which when I developed Oakhill Estates I was required by City to put a swale in the back of my property to run to this wetlands. That swale is now in danger of never working, because dirt has been pushed up next to it.

Mrs. Magel: Alright. Is this individual on Easthill?

Mr. O'Brien: Yes.

Mrs. Magel: Okay.

Mr. O'Brien: Thank you very much.

Mr. Wiley: Thank you.

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Mr. McLaughlin: We do -- can I address it real quick? We do have a meeting - I talked to your wife tonight.

Mr. O'Brien: Yes.

Mr. McLaughlin: She called me and I did talk to her and said we'd meet with her tomorrow at 3:00 with Jim and myself. First time I've heard of the problem - totally, definitely dig into it. And I talked to Jim tonight he's aware of it. John said he would gladly sit in tomorrow and see what we could come up with. But I do want to make sure that all parties are aware of it. And Jim said he's had some contact with the Corp of Engineers already and he's got the ball rolling.

Mr. O'Brien: Okay, thank you very much.

Mr. Snyder: Thank you Mr. O'Brien.

Mr. Foltz: Council President.

Mr. Snyder: Oh excuse me Mr. O'Brien, Doug has a question.

Mr. Foltz: Jim, do we have any input with the soil and water conversation group? Would they be involved in this at all?

Mr. Benekos: We've contacted them. Primarily it's the Army Corp of Engineers that has jurisdiction over wetlands.

Mr. Foltz: It falls under their jurisdiction?

Mr. O'Brien: And again let me reiterate, the Army Corp classifies this as low priority.

Mr. Foltz: Low priority.

Mr. O'Brien: Reason being is, is their high priority is giving permits to developers like myself. But if you destroy a wetlands it's a low priority for them.

Mr. Foltz: Okay.

Mr. O'Brien: Thank you.

Mr. Foltz: Thank you sir.

Mr. Snyder: Anyone else in the audience wishing to speak? State your name and address sir for the record.

Seldon Farnsworth: 1342 Farrell SE. I'd like at this time to, I guess, ask a few questions concerning Ordinance No. 112-01, which is item No. 14 under new business. "An ordinance authorizing the Director of Finance of the City of North Canton to make payment of moral claim to Linda R. Mohler in the amount of \$450.00 for removal of nuisance animals." I guess my questions would be what are we considering nuisance animals. And I'm hearing that this is including cats. And I guess what I would like to do tonight is possibly ask some questions here and make sure that this gets opened up for discussion.

Mr. Snyder: Please, if you have your question please state it.

Mr. Farnsworth: Yea, I have a question. I'd like to know what animals are considered nuisance animals and how it was handled?

Mr. Snyder: Well I cannot - I'm not - I can't answer the question what is a nuisance animal. In this particular case I believe the nuisance animals - the bill includes raccoons, skunks, I think a opossum and 13 feral cats. I'm not positive, I don't have a copy of the bill, but if someone does they might... But that's what, in this particular instance. Okay.

Mr. Farnsworth: Okay, would it be possible...

Mr. McLaughlin: Jon...

Mr. Farnsworth: I'm sorry, go ahead.

Mr. McLaughlin: I'm sorry. Jon, you were right, removal of one raccoon or three raccoons, two opossums and the 13 cats.

Mrs. Magel: Alright...

Mr. Farnsworth: Okay, cats are nuisance animals?

Mrs. Magel: I was going...inaudible...

Mr. Sarbach: Feral cats -- feral cats are nuisance animals. Feral cats represent a danger to the public

Mr. Farnsworth: Okay, and...

Mr. Sarbach: by spreading disease and they represent a danger to the neighborhood pets by the spread of disease.

Mr. Farnsworth: Were these cats tested?

Mr. Sarbach: You'd have to talk to the trapper that trapped them.

Mr. Farnsworth: Okay, is the trapper here tonight?

Mr. Sarbach: I don't know.

Mr. Farnsworth: Maybe he can answer some questions.

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Mr. Sarbach: We're not - we're not - we're not paying the trapper tonight. The discussion is not to pay the trapper, it's to pay a constituent who paid to have this done in order to clean up her neighborhood to keep these animals from multiplying through the neighborhood and the potential spread of disease through a residential neighborhood.

Mr. Farnsworth: Okay. Well my concern I guess is, you know, this is our tax dollars paying for this. And if these cats were not tested, you know. Do we know the method of which these animals were disposed.

Mr. Sarbach: Do we know?

Mr. Farnsworth: Yes, do you know? We're paying the bill.

Mr. Sarbach: We're paying a bill to a constituent. We didn't pay -- we're not paying for the trapper.

Mr. Farnsworth: In essence you are.

Mr. Sarbach: No...

Mr. Farnsworth: This is a reimbursement, correct?

Mr. Sarbach: It's a reimbursement to a constituent.

Mr. Farnsworth: Okay, at this time I guess that's my question. I guess we do need some answers on this. Because you know, this isn't right. Thank you.

Mr. Snyder: Thank you.

Mrs. Magel: Sir, may I answer you? We're having conflicting stories as to were the animals tested - I've heard yes, I've heard no. As to were the animals destroyed - I've heard yes, I've heard no. And I'm getting conflicting stories directly from the trapper. But at this time I don't think anyone on this council can say for sure one way or the other what happened.

Mr. Farnsworth: Okay. Well,

Mrs. Magel: One way or the other.

Mr. Farnsworth: Okay, I guess my question - is this going to be looked into before there's a reimbursement made?

Mrs. Magel: We had a full discussion on this two week -- or excuse me, last week and the vote was 5 to 2 that we should continue to put it on the agenda tonight for the pay of constituent the full amount including cats. The vote was: Doug Foltz was a negative and he's Ward 1; and I, myself was a negative, I'm At Large. And it's on the agenda for tonight.

Mr. Farnsworth: Okay.

Unidentified: Is the vote on the agenda?

Mrs. Magel: Yes mam.

Unidentified: Is it the last time we can have something to say about it?

Mayor Rice: Inaudible...come up.

Mrs. Magel: Did we put it on for three readings?

Mr. Snyder: Three readings. You have - it will be done in two more readings. Inaudible...two more...

Mr. Wiley: Six weeks

Mr. Snyder: Six...

Unidentified: What I mean is we can put input...inaudible...more information that they were not feral sir.

Mr. Snyder: Oh wait a minute mam, you're going to have to wait until he's finished...

Mr. Farnsworth: Okay.

Mr. Snyder: and relinquish the microphone.

Mr. Farnsworth: I'll yield. Thank you.

Mr. Snyder: Alright, step forward, state your name and address for the record.

Jody Farnsworth: 1342 Farrell Street. And my question was, this was investigated by a lot of us after the meeting. And I believe you sir did say that you had also heard these were cats being taken care of by the neighbors, which they were. These cats a lot of them had been spayed and neutered, so they were not feral cats. And our concern, I guess a lot of people maybe have chosen not to get up, is that the manner in which some of us found out these animals were killed was to be put in a cage together and drown. And I just feel, since I am a taxpayer, I think the monies can be better served than to be going to doing something, which as I believe from ODNR and other places I have contacted, is illegal. Cats are not considered under the people I have talked to, to be nuisance animals. And this paper states there were 13 cats, 3 raccoons and I think a opossum. So the numbers of animals that were destroyed illegally were not even nuisance animals. And if they were destroyed in a legal manner. They had - these animals have to be killed humanely. And putting in a cage and being drown is not humane. And I have concern with using taxpayers' money to pay for something that you don't even know what really was done or if these were people's pets that just happened to get out and fall into a trap, because that's also been addressed. And that's my concern.

Mr. Sarbach: It's my understanding that the cats were trapped on private property. On the property of the lady who is being reimbursed.

Mrs. Farnsworth: Do you have proof that the traps were put there instead of 555 Church Street?

Mr. Sarbach: No, do you have proof of the opposite? Do you have proof that...

Mrs. Farnsworth: I'm, I'm...

Mr. Sarbach: I don't have proof mam. I'm going by...

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Mrs. Farnsworth: Okay, that's what I'm saying sir. You're looking to reimburse someone \$450.00. I'm getting a new roof I'd like to send someone the bill for that. Same difference.

Mr. Sarbach: Wow.

Kim Caunah: My name is Kim Caunah.

Mr. Snyder: Please, madam state your name and address please.

Ms. Caunah: 131 55th Street, North Canton. I'm with Honuchan Animal Sanctuary. I did a little investigating myself and checked with Sippo Game Reserve. The only animal that is allowed to be classified as a nuisance and destroyed immediately are the raccoons. Now, all of us have lived too many years in a world where children suffer. Political officials don't always tell the truth and god knows many unfilled promises go on. But the worst of this is we live in an area and a time where the helpless die and I'm talking about those without voices. This is appalling what has gone on. If you want to pay somebody, pay rescue groups to go in there and trap these animals, have them spayed, neutered. I attended a large seminar in Kanab, Utah - they don't have any feral problems any more. What they do is go in and trap animals, have them spayed, neutered, and I'm talking cats and rabbits and whatever, okay, they return them to that area knowing that there are people there to take care of them. These animals are not a threat. Their ears are notched so that animal control knows that these are not a threat. They're not going to procreate. They've been Rabbit tested. They've had all their inoculations. Because what happens, when you clean an area out of strays, what happens is another area close by sends a scout and then that scout will bring part of that colony in and procreate to meet the food chain. But if you go ahead and spay, neuter, get their shots through rescue groups, put those animals back, those animals can live 20 some years. In the meantime, we can go ahead and get the surrounding areas. You create a ripple effect and in 20 years you don't have a problem. Instead of paying trappers that euthanize indiscriminately, give us rescuers a chance. Put some of that money that you're so willing to give to him, put it towards us. Thanks.

Mrs. Magel: Mam, I didn't catch what rescue group you were with.

Mrs. Kiesling: Yea.

Ms. Caunah: I'm sorry.

Mrs. Magel: What rescue group are you with?

Ms. Caunah: Honuchan. It's Lakota Sioux; it means the voice for those who cannot speak. There's other rescue groups here too - Second Chance and many others that are willing to give their all, but we need a little help too.

Mrs. Magel: Thanks.

Mr. Snyder: Mrs. Mohler you have something to say about - did you want to speak now? And then I'll recognize this lady right behind her after that.

Linda Mohler: Well I guess I'm the person that everybody's aiming at this evening. Linda Mohler. 530 Harmon S.W., North Canton. I am a gardener. I enjoy being out in my garden. And it has been used as a litter box - getting worse and worse and worse and worse, I would say over the last six years. The property behind us is vacant and again I've lost track of time, I'm going to say like five years, something like that. It's quite a wooded area and seems to attract all these critters, as I kind of lump them under critters. I love animals - I don't want to get, you know, into that discussion. But when they use our property as litter boxes and the people across the street they have grandchildren also, they're using their sandbox as litter boxes. The people behind them their sandbox for their kids they're using as litter boxes. Quite a few of the neighbors have had to -- tried to call before and have gotten no response or gratification from the people they talked to. And I'm not going to say any particular person or group. So with my nursing background I know how much disease these animals can carry; plus the cats also. So in the beginning we were kind of singling out the cats, I'll be honest with you, because of the problem with carrying diseases. Not only myself at risk, but all these kids and everybody else in the neighborhood. There's other gardeners - have vegetable gardens, etc., etc. And when the neighbors weren't getting any results and they were talking to me about well don't contact da, da, da, da, because they weren't getting anywhere. So I have some rental properties and I've dealt with Health Department, downtown in Canton. So I thought okay, next step I'm going to talk to these people see whether they can help us out at all. And they referred me to a whole list of trappers. And I thought okay, this is my property, these cats are not, what do I want to say, domestic/home type cats. They are nasty, they have an attitude and I was afraid any kids got around them they would really give them a hard time. I mean I have seen them in the cages and I've told the trapper I said, make sure you wear your gloves because they are so dangerous - I'm not kidding. None of them have had collars on them and I know where they're coming from. And well I'm just afraid for everybody around us. So I have gotten help. The numbers are correct that - was it you that gave those out on that bill there? I sent two bills in because I thought, this bill went yea, almost up to \$500.00. And it's like - like you say I would rather have a new roof too. And I needed some help from these other people who were supporting me in this issue. So quite a few of the people around us have contributed. And so if I would be reimbursed this on this \$500.00, what I would do is give it back to the people who helped us out. Plus then after contacting some other neighbors, then I found out that North Canton has I guess a nuisance fund and that maybe that they can help us out. And since

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then we have accumulated a bill for the city of another \$500.00. So it's like this is just - you're right, getting out of hand with these animals. So I know the property behind us they're working on some - solving an issue with it, okay. But meantime we thought in the beginning there were only six cats period - no big deal. Well we have trapped like 14 so far and the other day I saw 7 more. Just - they're running around - if you would say okay, catch them, spay them, give them their shots and give back to her that's fine as long as they would keep them on their property, but they're running everywhere. They're getting -- I can hear them back in the woods -- they're getting in fights with the raccoons, the skunks spray everywhere, you know this kind of thing. So it's not only one animal, it's you know a bunch of them. I hope that makes it a little clearer to everybody.

Mr. Snyder: Mr. Foltz.

Mr. Foltz: Jon, I had a question. Is it Mrs. Mohler? Did you contact the City earlier at any point before you found out we had a nuisance fund?

Mrs. Mohler: I did not directly, because I didn't know who to call. I must admit I'm really politically naive in a lot of areas. And so I tended to talk to other people around to find out where I should go. Because they weren't getting any results from the police. Good I can't say a certain name, but they said oh if you want to trap them yourself or if you want to catch them in the street that's fine. They wouldn't tell us who to go to. So that's when I went to the City of Canton. I know the City of Canton has some kind of ordinance on collecting wild cats also. Because if all the dogs have to be collared, owned, neutered, whatever, why don't the cats?

Mr. Snyder: They do. There is an ordinance in the city.

Mrs. Mohler: There is an ordinance in North Canton?

Mr. Snyder: It has to be on a leash. Please let the record state that animals that the City has trapped, none of them were cats. Please tell them that Mrs. Mohler - that the City has trapped no cats. I think they did trap one, turned it loose. But we did...

Mrs. Mohler: Yea all the rest were...

Mr. Snyder: we did instruct the trapper not to trap a cat.

Mrs. Mohler: In fact I have the numbers right here.

Mr. Snyder: They were all either skunks or raccoons...

Mrs. Mohler: Six skunks, 11 raccoons and a opossum.

Mr. Foltz: Is this the second wave Jon, you're talking about?

Mrs. Mohler: Second group.

Mr. Snyder: Yea, this is the one the city is involved in.

Mrs. Mohler: Right.

Mr. Snyder: I spoke to the trapper, his name is Larry. The principal of the company instructed him that there'd be no cats trapped. The city would not reimburse him for any animals outside of a nuisance animal. I called Mrs. Mohler and explained that to her. Much to her chagrin, I said we cannot be involved in trapping animals that are not listed as dangerous, nuisance animals.

Mrs. Mohler: But...

Mr. Snyder: I did tell her that. She knows that.

Unidentified: Yea, but my question is why not....

Mr. Foltz: That's my point of view Jon. I'm not going vote for the cats. I said earlier on the record...

Unidentified: Well...

Mr. Foltz: the other nuisance animals would be fine - that's our city policy. So that's why I voted the way I did.

Unidentified: So you're saying you don't care about the cats.

Mr. Foltz: I will not vote to reimburse for the trapping. And I don't know what happened with the animals afterwards. There's still some questions in my mind as far as if they were turned loose somewhere or drown or killed - I don't know. I'm just not going to vote for that.

Mr. Snyder: I can address that. I had a conversation then - I'm sorry I don't know the trapper's name, it's Paul something I believe...

Unidentified: Paul...inaudible...

Mr. Snyder: with his attorney who called me this evening. And his attorney said to me - through his attorney he said the cats were euthanized, they were not drown. The cats were tested, both by hand and with a pen of some sort, some way they test them. This - and again I'm only telling you this is what he told me, the cats were euthanized the ones that were found to be -- if it was a domestic cat and there -- some of them were, were turned loose. And that's all -- that's the only thing I know. I cannot tell you that -- that's what I was told. I don't know how much of that is truth; how much of it is fiction.

Mrs. Magel: Just in fairness I also spoke to Mr. Baggett...

Unidentified: Badgett.

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Mrs. Magel: Badgett. He told me the first time they were euthanized.

Mr. Snyder: That's what his...

Mrs. Magel: Then he called me up 3-1/2 hours later and told me that every one were placed in a safe home.

Ms. Caunah: I have something to say. He also made the comment that the animals were rabid. And if so, State demands that heads be sent down for testing. Did he do that?

Mr. Snyder: Mam, I don't know. I don't -- we have no -- nothing to do with the man. He has a state license, I believe it's on that bill, and I think there's a...

Ms. Caunah: So we went from euthanizing...

Mr. Snyder: remedy you can seek...

Ms. Caunah: to letting them go to killing them because they were rabid. That's interesting.

Unidentified: Inaudible...shouldn't be able to come back until the end.

Mr. Snyder: No, no I have no idea. I've not spoke to the man. Mam.

Margie Debter. Yes, my name is Margie Debter. I do not belong to any animal groups, but I'm independent and I trap ferals. I also place them, I rehabilitate them and everyone has had a successful new home. And I would like to know if this Miss Mohler has ever heard of the Stark County Humane Society? Have you ever thought of calling them? Did you ever think of calling a veterinarian to tell you where to go? Have you ever heard of any -- do you think that there are not groups around here? Did you not call the Stark County Humane Society?

Mr. Snyder: Mam, mam, please

Mrs. Mohler: And they would do what?

Mr. Snyder: you'll have to address the Council. I can't allow...

Ms. Debter: I'm sorry - I'm sorry.

Mr. Snyder: I can't allow you to banter back and forth.

Ms. Debter: When I talked to the Stark County Humane Society today they had no idea that this had happened. They had not heard about this, nor this lady. Nobody had called them. I talked to a woman and then someone talked to Mr. Criswell; he has not yet gotten back to me. And then through PETA, them getting -- talking to Mr. Criswell. Martin Marcio, whatever, from PETA had told me that they knew nothing about any feral cats out there.

Mr. Snyder: Mam, let me put this in prospective for you and the rest of the audience where we're coming from; as it was so pointed out to you that it was a 5 to 2 vote. We have a constituent that billed us because of a negligent problem we have on a home at 555 Church, which by the definition of the Law Director, contributed for the habitation of those animals. Be it feral, be it tame, be it whatever it is - I'm not an expert on animals...

Ms. Debter: Oh, I know.

Mr. Snyder: nor am I trying to be smart.

Ms. Debter: I know that.

Mr. Snyder: We're trying to make this woman whole for the money she spent for a basic moral problem that we felt we had at that property. If you have a problem with the way the man trapped the animals, euthanized the animals, moved the animals -- I would suggest this body has no authority over the Ohio Department of Natural Resources or that trapper. His license is on that number, on that bill and you may check with Clerk at your convenience and notify the Department of Natural Resources. If he broke the law that's for...inaudible...that is not for this Council to decide. Nor is it for this Council to decide whether this woman -- this only to decide whether she has a moral claim against the city or not - simply that. We have nothing against cats.

Ms. Debter: I know that.

Mr. Snyder: I would be - if I was you I'd give the woman your name and maybe you can trap the other 13 or 14 cats that there and you may move them away some place. I'm sure she would appreciate it, so would the neighborhood. And I would appreciate it as the councilman of that ward, I would appreciate it if you would be kind enough to give her your name. And I'm sure those people would love -- mam, you also, I'm sure if you could remove them because you can go down two blocks to the west to park and pick up another 60 of them.

Ms. Debter: Linda Marshall just picks them up.

Mr. Snyder: Oh good. But I'm saying -- so that's basically it.

Ms. Debter: I just wanted to tell you that I have never been attacked by a feral. I have never met a vicious feral - basically they're terrified of you. And that the ones that I have trapped, which are probably 30 or 40 in the last seven or eight years, have all good homes now. That they are placable and they do not need to be destroyed. Thank you.

Mr. Snyder: I appreciate that. Thank you. Mam.

Peg Monteleone: Hi, my name Peg Monteleone. 1307 Lipton SW, North Canton. And I do have an issue just with the City as a taxpayer. I think that you need to really investigate to see whether this is illegal to have euthanized cats before the City pays for it. As a taxpayer I don't want my money going for that. Or my votes going for any councilman who would vote to pay somebody for something like this when you acknowledge that you don't know what happened to these animals. You don't even know if they're house pets. They were not on her property. She said they were on the lot behind her property in the wooded area on a...

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Mr. Snyder: No, I believe they were trapped on her property.

Ms. Monteleone: Well, well, but they were living on the vacant property behind your place. But cats in North Canton - there isn't a leash law on cats.

Mrs. Magel: Yea.

Mr. Snyder: Yes there is.

Mr. McLaughlin: Yes there is.

Ms. Monteleone: There's a leash law on cats?

Mr. Snyder: Yes mam, there is.

Ms. Monteleone: They're not allowed off of your own property...

Mr. Snyder: No mam.

Ms. Monteleone: or you can euthanize them? Is that in the law?

Mr. Snyder: I don't know the ramifications.

Mrs. Magel: No.

Ms. Monteleone: Is that -- I mean is that what the law says?

Mr. Snyder: I think they'll issue a citation to mayor's court.

Ms. Monteleone: But I don't think that they'd allow -- if a cat from my neighbor came to my house and I killed it, would it be a different issue?

Mr. Snyder: Mam, again see this is not a forum...

Unidentified: You're not allowed to do that.

Ms. Monteleone: But that's - no, and I understand that. But what I'm saying as a taxpayer of North Canton, is I definitely wouldn't vote for any councilman that voted to reimburse for trapping that you guys have no clue about. That you don't know what happened to the animals. Whether they were domestic - whether they were nuisance animals or not. That's all.

Mr. Snyder: Thank you.

Carl Brand: My name is Carl Brand. I live on 1331 26th Street, Canton City. I'm a board member with Honuchan; I've been with them for about a year. The focus of this group is to basically save animals that can't help themselves.

Mr. Snyder: Excuse me.

Mr. Brand: They have stopped funding from around the state and the general areas around. We've sought some grant money from federal and state funds- we can't get any. Because quite frankly it's easier to pay for them to kill them. It seems to be that, that's the general motif. Our problem, where I'd like to focus our group, is if there was an illegality, where is that search? Why hasn't anybody come to the floor and said this happened in our city, this happened on our watch, we're on council. You need to dig into that. It's been one full week. Kathy has been very -- coming forward with the group, very cooperative with us. The Mayor has been very talkative with us to where we can dialogue. But where is the investigation? Where will -- will this Council pick up the point and look into the trapper? If he is - I don't know who he is. If he is trapping in the city, tomorrow the story is going to change. When the story gets out to the public you're going to end up with a - I don't know, a 13 year old kid looking for a cat. It was indifference. I don't think Miss Mohler is an evil person. What she's talking about is she wants something to be clean. What we're talking about is animals that are innocent and protecting that. We are sworn to protect and defend, I believe you took that oath, even to the lease of the creatures in the earth. Will you investigate the trapper? North Canton, if you drive through, we've talked to a number of people, some of the group has been door to door, we don't see strays. Do we see strays on the street in North Canton? No, it's clean. Do we see cats running wild? Not regularly. Where are they? What's the lost, found ratio in this area? Have we -- people who lost an animal have they found it? How many animals have we lost? And does this man do business for the city? And there I'll end. Are you going to investigate it - the city? Is anybody going to seek an answer?

Mr. Snyder: Or -- is that a question?

Mr. Brand: That's a question. Is anybody going to seek an answer?

Mr. Snyder: I'll answer that Mr. Brand. As again I told you I spoke to the trapper's attorney and advice of his attorney he was invited here by the chairman of the committee that was to investigate the thing before it was brought to the floor of council. That's normally the way that procedure goes. He was invited to attend tonight, but through advice of his attorney to come into a forum such as this where he would be, and I say this respectfully, in a hostile environment, he advised him not to do it. However, he did extend to me and I will extend to the chairman of the committee, which I'm sure she'll do because she is very diligent in her work, the fact that she can meet with the attorney and the trapper one on one at some place that's convenient to both her and the trapper.

Mr. Brand: Who can?

Mr. Snyder: Kathy, the chairman of the committee.

Mr. Brand: Oh, Kathy.

Mr. Snyder: And she can bring those answers back. So I'm going to allow the legislation to continue along - it is a six week process. And hopefully by next Monday evening Mrs. Magel or by the following, which you're all welcome to return, will be able to report the exact facts of where the mystery of cats ...inaudible...

Mr. Brand: Well by the Ohio Revised Code it's a crime to kill an animal inhumanely.

Mr. Snyder: I don't believe sir...

Mr. Brand: Inhumanely.

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Mr. Snyder: You better - you better go back and read...
 Mr. Brand: Is it a crime to kill an animal...
 Mr. Snyder: you must of slept through that part of the law class.
 Mr. Brand: Ohio review...
 Mr. Snyder: Because I do have the Ohio Revised Code which...
 Mr. Brand: that you can't kill an animal inhumanely?
 Mr. Snyder: No, it's -- he did not -- you can't say that he killed the animal inhumanely.
 Mr. Brand: Okay.
 Mr. Snyder: You don't know what he did with the animal.
 Mr. Brand: Well why are we sending a politician to investigate? Why not the police?
 Mr. Snyder: Well there's no crime committed in the city. That's the problem I'm trying to say, this Council doesn't have control over trappers -- that's the State Department of Natural Resources. Am I right Tom in my position there or am I...

Mr. Treadon: First of all, this body is not a criminal investigative body.
 Mr. Brand: I agree.
 Mr. Treadon: And Mr. Brand you know that.
 Mr. Brand: I agree.
 Mr. Treadon: Why you're here I really don't know.
 Mr. Brand: I'm a member of this board.
 Mr. Treadon: Well you may be a member of the board. The truth of the matter is the issue before this Council is whether or not to pay a moral claim. Not to investigate or take up sides in a cause. That isn't what this Council is here to do.
 Mr. Brand: Inaudible...
 Mr. Treadon: This Council's here to decide whether a moral claim should be paid or not, period.
 Mr. Brand: It's easier to kill them. Thank you.
 Mrs. Magel: Wait, wait, wait...

Mr. Snyder: Thank you.

Mr. Treadon: I'm sorry, I missed that.
 Mrs. Magel: wait, Mr. Brand...
 Mr. Snyder: He said it's easier to kill them.

Mrs. Magel: It appears I've just been invited to...
 Mr. Snyder: No, I said I would extend that invitation if you...
 Mrs. Magel: speak to a lawyer and I am not a lawyer. Does your group have a lawyer?
 Unidentified: Yes.
 Mr. Brand: Honuchan would be very interested in the case, yes.
 Mrs. Magel: Then I would like a lawyer of your group...
 Mr. Brand: Can that be done Kim?
 Mrs. Magel: to be with me.
 Mr. Brand: Well we'll need to check into it.
 Mrs. Magel: Yes, I mean - I'm - as you had said, I'm an investigative authority here. I would be a rookie at this. So if a lawyer from your group - I would appreciate some help. Please. Thank you.

Mr. Brand: Thank you.

Trish Long: My name is Trish Long. I live at 114 Walsh Avenue SE in North Canton. And initially I think I might of started this last week when I asked Jon if he would please investigate. I know it's not your job to investigate, but I know - I would assume before you would make a reimbursement payment, that you would know who you are reimbursing and why. And I think that's where all the questions are coming from. But for the record Jon, we had a private conversation over the phone Thurs...or Tuesday. Now tonight you had spoken - you said you had spoken to the attorney for the trapper and what he had told you. But do you remember what the trapper told you himself?
 Mr. Snyder: Well I agree Trish. As I say I, I - I again, I assumed that was his attorney who told me that. I have no reason to believe it
 Ms. Long: Right.
 Mr. Snyder: to disbelieve him. And I - cause I told him, I'm sorry I have nothing to involve with the trapper.
 Ms. Long: Right. Some people are questioning me as to where I got the information that he didn't know what he did with them. Do you remember telling me...
 Mr. Snyder: Yea he did...
 Ms. Long: that the trapper said to you I don't know what I did with the cats.
 Mr. Snyder: he couched every word he said to me.
 Ms. Long: Right.

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Mr. Snyder: He had a -- he called me in the evening after some lengthy conversation with Kathy Magel. Somehow he got my name, he called me at home, he talked to me - I said sir, I don't know anything about it. He was nervous, you know, I assume. I said, do you have a license and you comply with the law, I said, you have no problem. I'm sure you have copious records to tell what you did with the animals. If that's the case, if these people pursue it through that, the City of North Canton has no jurisdiction over the trapper. He's not a citizen of the City of North Canton - he lives in Hartville.

Ms. Long: Right.

Mr. Snyder: So I'm sure that he will be forthright in speaking to Mrs. Magel. And then some time in the next four weeks as this legislation progresses along, we'll have the mystery of what happened to the cats and how they were euthanized or if they were illegally done. But I don't want to slander the man because I have no idea what was done with them.

Ms. Long: Right. Well we would appreciate so very much...

Mr. Snyder: I'm sure...

Ms. Long: If you could look into it.

Mr. Snyder: and we'll gladly do that for you as citizens of the city.

Ms. Long: Good. Well we'll count on you to do that. Thank you Jon.

Mr. Snyder: Thank you. Is there anybody else that has anything different to add? Or would like - yes mam we'll take one more and we must...

Mrs. Magel: Jon, may I make a comment?

Mr. Snyder: Please.

Mrs. Magel: Okay for the record, how did he mysteriously get your name? He had Caller ID and you had called him earlier.

Mr. Snyder: I talked to his wife in the morning. I didn't talk to him...

Mrs. Magel: That's...

Mr. Snyder: I talked to his wife.

Mrs. Magel: That's...

Mr. Snyder: I didn't know how he -- I didn't know how he got it.

Mrs. Magel: That's how - he told me.

Mr. Snyder: Oh well then that's probably how it is. I called his - I called the first thing. Cause I told Trish Long I would call him. And she had a conversation. And I said yes mam, I will call him first thing in the morning, which I did and I spoke to his wife.

Mrs. Magel: Okay. Well he did not get it from me.

Mr. Snyder: Oh I didn't insinuate that.

Mrs. Magel: I didn't call...inaudible...

Mr. Snyder: I'm sorry if I did.

Mrs. Kiesling: I also called him today and he told me he could not tell me what he did with the animals.

Unidentified: He said he didn't know?

Mrs. Kiesling: He said he could not tell me.

Mr. Snyder: Mam.

Susan Langell: My name is Susan Langell. I live 516 Hillcrest. And I of course want to talk about the same issue. But I did a little checking with the Ohio Revised Code this afternoon and what I was able to find is that cat is not one of the animals which a trapper is legally permitted to trap. If that is not incorrect, then I certainly hope that no one would be paying for an illegal act. And you suggested that perhaps we should write to the wild life people and get his license revoked, if that seems to be the problem. So I'd like to know his name, his license number and the like. I'd like to have a copy of it and I'll mail it to them along with the notion that he's trapping cats.

Mr. Snyder: The Clerk will give you that information. Mam the man you want to talk to who's supposed to meet with the Department of Wildlife is Bill Hannie - H a n n I e. He's the district office for this area. He did in fact state to me that it was legal for this trapper to pick the cats up. So you might want to take that up with Mr. Hannie and the Department of Wildlife.

Ms. Langell: Can I get a copy then of the bills please?

Mr. Snyder: I believe the Clerk will provide them.

Mrs. Bittle: I don't have them with me tonight, but I can get them for you.

Mr. Snyder: She'll have it -- if you stop in, in the morning she'll gladly issue it.

Ms. Langell: Thank you.

Mrs. Magel: For the record, I had an interpretation from someone also, who came to the same conclusion you did. A cat is not one of the animals you can trap. So again, we're having conflicting stories.

Mr. Wiley: Okay.

Mr. Sarbach: Is -- Mr. Chairman.

Mr. Snyder: Sir.

Mr. Sarbach: Is there any indication that the moral applicant, that Mrs. Mohler, is there any indication that she committed an illegal act of any kind in this issue?

Mr. Treadon: No.

Mr. Snyder: I'd have to defer to the Law Director Mr. Sarbach, I'm not...

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Mr. Treadon: No that I'm aware of.

Mr. Sarbach: I mean I saw nothing in the documentation for the moral claim. So that's why I wondered if there's any...

Mr. Treadon: I don't believe - I'm not an expert on animal protection. I don't believe there's any criminal sanctions against what this man did, unless he illegally disposed or euthanized the animals and I don't know the answer to that.

Mr. Sarbach: And Mrs. Mohler, would she have any knowledge or input into what he did with those animals to your knowledge?

Unidentified: She should of asked - she should of asked him.

Mr. Treadon: Well that's a moral issue, that's not a legal issue.

Mr. Sarbach: Thank you.

Mrs. Kiesling: And that's her moral issue. And so we have no right...

Mr. Treadon: That isn't what Council does...

Mrs. Kiesling: Right.

Mr. Treadon: decide moral issues.

Mrs. Kiesling: That is not up to us.

Mr. Sarbach: Not up to us..

Mr. Foltz: I disagree. I think if we're going to spend money on any issue, we'd better do a little research before we pay it...

Mrs. Kiesling: Oh, I agree we need to do research.

Mr. Foltz: knowing that something could be illegally done - it's not our policy in the City, it's that cut and dried. We can tiptoe around this all we want, but the bottom line is I'm voting no...

Mr. Snyder: Please...

Mr. Foltz: I'm voting no on this because we do not as a city body trap cats. Plain and simple. So \$300.00

Mr. Snyder: Madam...inaudible...

Mr. Foltz: I'm willing to pay the \$173.63. I will not vote to pay for the \$300.00 for the 13 cats. Simple as that.

Unidentified: Alright...inaudible...

Judy Christ: My name is Judy Christ. I live at 1302 Willoway SE. I know you said no more on this issue, but I didn't feel...

Mr. Snyder: Please, go ahead.

Ms. Christ: Okay, I'm not sitting with them, although I came with one of them and I help one of the organizations. I'm a person who that needs to know things before I make my decision. Now I am very confused. I'm not a political person either, just as Linda Mohler had said. Got on line today to try to find North Canton City ordinances; couldn't find them. What are our ordinances - just curious. Sitting here listening, I'm taking these notes. What Mr. Treadon had said, the issue that is here is whether or not our city should reimburse this woman for the destruction of the animals. No - in my mind no. And if I park my car on the street at 3 a.m., I get a ticket. However, if I call and explain why this is going to be there I don't get ticketed. So if I have a nuisance of animals I'm going to call City Hall. Cause I've got this, this skunk that comes by all the time, what can I do? So should you pay her back? No, except maybe for the legal nuisance animals. I hear this morning at 9:30, oh these animals or cats were trapped and they were drown. Has Council heard anything like that, that they were drown?

Mr. Sarbach: To answer your question...

Mrs. Kiesling: He specifically told me no, that he did not drown them.

Mr. Sarbach: But we have heard from everybody - people in this audience, a range of things that have happened to these cats.

Ms. Christ: Exactly, that's what I'm saying.

Mr. Sarbach: But the facts that we have are the bill and letter presented by the lady.

Mr. Snyder: I don't think their First Amendment rights cover slander.

Mr. Treadon: Inaudible...

Mr. Sarbach: And the bill from the licensed trapper says nothing about destroying, euthanizing or killing animals. It simply says remove. Permission granted to place traps for nuisance animals, set up fee...

Unidentified: Right.

Mr. Wiley: What's the deadline for the ...inaudible...sign up.

Mr. Sarbach: removal, removal -- I see nothing on these copies that said anything was destroyed. Which I don't doubt that they probably were destroyed. I mean - that's not our issue.

Ms. Christ: They may have been destroyed very inhumanely. And I believe that's why...

Mr. Sarbach: And they...

Ms. Christ: the majority of these people are here.

Mr. Sarbach: And they may have been destroyed humanely.

Ms. Christ: Humanely - exactly.

Mr. Sarbach: We don't know that...

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Ms. Christ: Exactly.

Mr. Sarbach: we don't that.

Ms. Christ: So do you all remember the dangling chad back in November? You know, our big system - our presidential election. A dangling chad, I think that's what this has come to. Hello. Should we pay her? You decide. But no, the cat's not a nuisance. But is there another issue? Yes, I believe there is. And perhaps the Council and we as citizens of North Canton can pursue this. Don't we want to work together? Inaudible...can't we possibly get some money from the city? Last year I had five children in the North Canton school district. I voted to pass the school levy. It didn't pass. So do I want my money paying for killing cats? No. But do I want them taken care of? Yes. So I guess my question is, how do I make myself more intelligent? How do I learn about the City Council and what our ordinances are? And what is a nuisance animal? And what rights do I have if an animal comes into my yard? How do I find these things out? And if trappers come into North Canton, I didn't know I could have a trapper. Never thought I could call a trapper and say hey come get this. I didn't know. There's a lot of animosity here tonight. And nobody wants the animals killed. So can we, you know, after you settle this about the money thing, can we bring something else up to Council about stray dogs and cats in the City of North Canton? Can we expand upon the ordinance that you're speaking of? Can we have something more cut and dry so we don't have this dangling chad all the time.

Mr. Snyder: It's a reasonable request.

Ms. Christ: Is there a way to do that?

Mr. Snyder: Yes, it's a reasonable request.

Ms. Christ: So I can find out from City Hall this week and go through the proper channels?

Mr. Snyder: Well mam, you're going, you've stated it to the people that have the ability to enact an ordinance. And I'm sure if that's - if Mr. McLaughlin is your councilman, or if you want to have some conversation after the meeting or some time this week, I'm sure Mr. McLaughlin will give you his number, he'll contact you and be more than willing to have some legislation. I don't know under what committee that comes under...

Mr. McLaughlin: Rules & Ordinance.

Mr. Snyder: And we can introduce something to it. But, I appreciate your input.

Ms. Christ: Thank you.

Mr. Snyder: Is there any other business. Mrs. Fosnaught...

Mrs. Fosnaught: Yes, I'd like to just make one comment.

Mr. Snyder: Please.

Mrs. Fosnaught: I also called after the Tuesday meeting the Ohio Department of Wildlife and they said that you're not allowed to trap cats because cats aren't wild animals is what I was told. I called the office of the gentleman that handles the Stark County area and that's just..- They told me to call the Humane Society, but unfortunately no one is there on Wednesdays. So I guess you're not supposed to have a problem with the animals on Wednesday. Thank you.

Mr. Sarbach: Mrs. Fosnaught did that gentleman have name? I mean everyone's saying someone said. Do you have a name of the person you spoke to?

Mrs. Fosnaught: I don't have the book with me. I asked for the gentleman who's in charge of the Stark County - I have the book...

Mr. Sarbach: And you don't...

Mrs. Fosnaught: that has wildlife - I don't have it with me sir, no.

Mr. Sarbach: You don't have a name?

Mrs. Fosnaught: But I - it did ask for him and I got his office. And you know, they said that you're not allowed to trap cats because cats are not, you know, they're not raccoons, they're not a wild animal.

Mr. Snyder: Thank you. Thank you...inaudible...

Mrs. Fosnaught: But I could get the name for you next week Mr. Sarbach.

Mr. Sarbach: Okay. Thank you.

Mr. Snyder: Alright. May I have a motion to read by title only the second reading of Ordinance No. 106-01?

OLD BUSINESS::

8. Mr. McLaughlin moved and Mr. Sarbach seconded to **read by title only, second reading** of Ordinance No. 106-01. All members present voting:
 Yes: McLaughlin, Sarbach, Snyder, Wiley, Foltz, Kiesling and Magel.
 No: 0

Ordinance No. 106-01 - Second Reading

An ordinance authorizing the vacation of an existing fifteen (15') foot storm sewer easement (Plat Book 48, Page 80) and approving, accepting and confirming a fifteen (15') foot storm sewer easement plat located in part of Lots 5511 and 5512 in the City of North Canton, Stark County, Ohio.

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Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Yes, this is a second reading of an ordinance doing exactly what it says - approving and accepting an easement down on the southeast end to better control some flooding in that area. And with that said I move that we adopt the second reading of Ordinance No. 106-01.

Mr. Sarbach moved and Mr. McLaughlin seconded to **adopt the second reading** of Ordinance No. 106-01. All members present voting:

Yes: Sarbach, Snyder, Wiley, Foltz, Kiesling, Magel and McLaughlin.

No: 0

9. Mr. McLaughlin moved and Mr. Sarbach seconded to **read by title only, second reading** of Ordinance No. 107-01. All members present voting:

Yes: Snyder, Wiley, Foltz, Kiesling, Magel, McLaughlin and Sarbach.

No: 0

Ordinance No. 107-01 - Second Reading

An ordinance approving, confirming and accepting a water main easement to construct and maintain water lines and appurtenances thereof, through and across part of the Southwest Quarter of Section 29, Township 12 (Lake), Range 8, also known as being part of Lot 313 St. Ives No. 11, Stark County, Ohio.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Same - basically the same thing for water lines. Allowing us an easement to maintain water lines outside the city. And this is the second reading. And I move that we adopt the second reading of Ordinance 107-01.

Mr. Sarbach moved and Mr. McLaughlin seconded to **adopt the second reading** of Ordinance No. 107-01. All members present voting:

Yes: Wiley, Foltz, Kiesling, Magel, McLaughlin, Sarbach and Snyder.

No: 0

10. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 110-01. All members present voting:

Yes: Foltz, Kiesling, Magel, McLaughlin, Sarbach, Snyder and Wiley.

No: 0

Ordinance No. 110-01 - Second Reading

Ordinance No. 110-01 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Settlement Agreement by and between Maytag Corporation, FEIN 42-0401785, and the City of North Canton, and declaring the same to be an emergency.

Mr. Snyder: As you know we've entered into a settlement agreement with the Maytag Corporation as they've filed a consolidated income tax return, which resulted in a refund of \$1,800,000.00. And the first payment was due here in November. And that's about it. The first of three.

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 110-01. All members present voting:

Yes: Kiesling, Magel, McLaughlin, Sarbach, Snyder, Wiley and Foltz.

No: 0

NEW BUSINESS:

11. **Ordinance No. 71-01 - (Tabled: 5/14/01)**

Mr. Snyder: Chairman Kiesling do you want to leave that on the table, the next one?

Mrs. Kiesling: Yes, we want to leave the next one on the table.

Mr. Snyder: Alright. May I have a motion to read by title only the first reading of Ordinance No. 96-01.

Mr. Sarbach: So moved.

Mrs. Bittle: Excuse me...

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Mayor Rice: Inaudible...table...
Mr. McLaughlin: Do we have to remove it from the table?
Mayor Rice: It's on the table.
Mrs. Bittle: We have to remove it from the table first.

Mr. McLaughlin: Motion to remove.

Mr. Snyder: Oh, that is tabled. I apologize - yes...

Mr. Sarbach moved and Mr. McLaughlin seconded to **remove Ordinance No. 96-01 from the table.**

Mr. Snyder: Now as you know, may I say in there as you know, that was passed concurrent to last week at the reduced amount of 7,000 and some odd dollars. So it's off the table and if it doesn't get voted on it dies automatically. Is that correct?

Mr. Treadon: Or you can vote it down.

Mr. Snyder: Just vote it down?

Mr. Treadon: Move for adoption and vote it down and then it's gone.

Mr. Snyder: Okay.

Mr. Treadon: So a...

Mrs. Bittle: Okay, so this is to remove it from the table?

Mr. Snyder: Remove it from the table.

All members present voting:

Yes: Magel, McLaughlin, Sarbach, Snyder, Wiley, Foltz and Kiesling.

No: 0

12. Mr. Sarbach moved and Mr. McLaughlin seconded to **read by title only, first reading of Ordinance No. 96-01.** All members present voting:
Yes: Sarbach, Snyder, Kiesling and Magel.
No: McLaughlin, Wiley and Foltz.

Mrs. Bittle: McLaughlin - Oh, I started with you.

Mr. McLaughlin: Do I get two votes?

Mr. Wiley: He gets to vote twice?

Mrs. Bittle: Okay, yea he gets to vote twice.

Mr. Foltz: You keep everybody happy Rick.

Mr. Treadon: That's 4 to 3 I believe.

Ordinance No. 96-01 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service contract for the Delineation of Contributing Recharge Areas, East Maple Street Well field, and declaring the same to be an emergency.

Mr. Snyder: Do we have a motion to accept the first reading of ordinance...

Mr. Treadon: Turn it down.

Mr. Snyder: of Ordinance No. 96-01.

Mr. Sarbach: Yes, this is the personal service contract that we had with the Ohio State people. It was entered into by our water superintendent and terminated after determining the problems that we had at that well field and knowing that we wasn't going to go ahead with it. And as we discussed in our previous meeting, we did receive value for the work that was done so far. It's not something that we get nothing out of and still have to pay for. There has been geological value received. Maybe not to the extent that the superintendent would like, but there is some value there that we have received already from these people. And with that - if we have had value received I think we should pay it. Yes, do have a...inaudible...

Mr. McLaughlin: Is Rich here?

Mr. Sarbach: Is Rich in the audience?

Mr. Wiley: No.

Mr. Sarbach: I don't see him.

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Mr. McLaughlin: Can I ask a question? He's got all the material.
 Mr. Snyder: If you'd recall last week...
 Mr. McLaughlin: I couldn't remember.
 Mr. Snyder: We reduced - the bill was reduced...
 Mr. Sarbach: Yes.
 Mr. Snyder: because we stopped it.
 Mr. McLaughlin: Right.
 Mr. Snyder: It was reduced to 7 -- it was 4800...inaudible... But he's received all the data and all the information relative to...
 Mr. McLaughlin: Up until what we did.
 Mr. Snyder: Exactly.

Mr. McLaughlin: The only thing I was objecting to was the question - the one question we had was the date of termination. Did we ever determine - I think Tom brought that up last week that there was...
 Mr. Snyder: Well he billed concurrently for work he continued to do in his, I believe in his Columbus office is what...
 Mr. McLaughlin: See that's why I was confused...
 Mr. Snyder: To...
 Mr. McLaughlin: That's why I was confused...
 Mr. Snyder: to correlate that data that he hadn't sent.
 Mr. McLaughlin: Okay.
 Mr. Snyder: I think those were the dates. But he was terminated some time I believe - Mayor was it not the 1st of July or something?
 Mayor Rice: I don't know the exact date, but it was early part of July.
 Mrs. Magel: July 9th.
 Mr. Snyder: Yea, I need...
 Mayor Rice: Of course understand you guys have already voted to pay this bill by voice vote...
 Mr. McLaughlin: Right, I know but...
 Mayor Rice: So this is really irrelevant at this point.
 Mr. McLaughlin: But I was questioning the fact that we brought up the fact last week...
 Mayor Rice: Yes.
 Mr. McLaughlin: that it was the first part of July and we've entries in for 7/16, 7/23 and 7/30.
 Mr. Wiley: We've already voted to pay it.
 Mayor Rice: Right.
 Mr. Wiley: Tom said to vote this one down.
 Mr. McLaughlin: And the question was never answered what happened after the termination. Was that the material that he was just finishing up or was that...
 Mr. Wiley: That's why I voted no - I do what my lawyer said.
 Mr. Snyder: Well he must of seen the TV camera.
 Mayor Rice: Rick I can't speak for, since I wasn't here at the time when Council stopped this thing back on the 9th...
 Mr. McLaughlin: Okay.
 Mr. Snyder: Yea.
 Mayor Rice: That evidently I assume, and I'm just guessing, maybe wasn't communicated to Mr. Bair immediately.
 Mr. Snyder: Yea.
 Mr. McLaughlin: No, I have no problem paying...
 Mayor Rice: I don't know.
 Mr. McLaughlin: him if it's stuff that he collaborated up until that point and Rich has the information and everything else like that.
 Mayor Rice: To the best of my knowledge that's correct.
 Mr. McLaughlin: Jim's shaking his head yes.
 Mayor Rice: Yea.
 Mr. Snyder: Okay.
 Mr. McLaughlin: I have no problem paying it then.

Mr. Snyder: And you did make a motion to...
 Mr. Wiley: Inaudible...
 Mr. Sarbach: No, I stopped that motion because Rick had a question. Is there any other comment from the dias...
 Mr. Snyder: No sir, I don't believe there is.

Mr. Sarbach: before I move that we adopt the first reading of Ordinance No. 96-01?

Mr. Snyder: Is there a second?

Mrs. Magel: Second.

Mr. Snyder: Thank you.

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All members present voting:

Yes: Sarbach.

No: Snyder, Wiley, Foltz, Kiesling, Magel and McLaughlin.

Mr. Snyder: Thank you...

13. Mr. McLaughlin moved and Mr. Sarbach seconded to **read by title only, first reading of Ordinance No. 111-01**. All members present voting:
 Yes: Snyder, Wiley, Foltz, Kiesling, Magel, McLaughlin and Sarbach.
 No: 0

Ordinance No. 111-01 - First Reading

Ordinance No. 111-01 authorizing the Director of Finance of the City of North Canton to make payment of a moral claim to Shelley L. Wolf in the amount of \$436.50 (gross amount) for compensation earned during her probationary period and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, this is the - just as a recall - refresh, negotiation of the dispatchers' contract was very lengthy in nature, causing an oversight in compensation. Decided that the moral claim was preferred - a preferred remedy rather than go through the grievance proceeding. And I recommend it pass.

Mr. Snyder: Alright. Is there a second?

Mr. Foltz: Second.

All members present voting:

Yes: Wiley, Foltz, Kiesling, Magel, McLaughlin, Sarbach and Snyder.

No: 0

Mr. Foltz moved and Mr. McLaughlin seconded to **suspend the rules** for Ordinance No. 111-01.

All members present voting:

Yes: Foltz, Kiesling, Magel, McLaughlin, Sarbach, Snyder and Wiley.

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules**

Ordinance No. 111-01. All members present voting:

Yes: Kiesling, Magel, McLaughlin, Sarbach, Snyder, Wiley and Foltz.

No: 0

14. Mr. Sarbach moved and Mr. McLaughlin seconded to **read by title only, first reading of Ordinance No. 112-01**. All members present voting:
 Yes: Magel, McLaughlin, Sarbach, Snyder, Wiley and Kiesling.
 No: Foltz.

Ordinance No. 112-01 - First Reading

An ordinance authorizing the Director of Finance of the City of North Canton to make payment of a moral claim to Linda R. Mohler in the amount of \$450.00 for the removal of nuisance animals.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Alright this is why everyone is here. This is the invoices for the amount of \$450.00 for 13 cats, 3 raccoons and 2 opossums. Of which it's been established we don't have a clue what went down at this point. Worst scenario - worst case scenario, it could be somebody's pet that was drown. Of course we have best case scenarios also. The point is we don't know. And I can assure you my vote will be no. Go ahead Mr. Chairman or Mr. President.

Mr. Snyder: What are you -- are you recommending that we continue this on Mrs. Magel or...

Mrs. Magel: Yes I recommend...

Mr. Snyder: Okay.

Mrs. Magel: Let's take it for a vote.

Mr. Snyder: Okay. And please let the constituency in the audience understand, this is the first of three readings. Between now and the next six weeks Mrs. Magel hopefully will -- or four weeks, pardon me - will have some information ...inaudible... can bring back. If there's time we can -- if there's something adverse in the situation or something -- I hate to use the word illegal, because I have no idea, it will be addressed at that time. This is not the final end of it. So I'm sure she'll do due diligence and bring back a report sometime within the next week to two weeks. Is that fine Chairman Magel?

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Mrs. Magel: You know, obviously this was sprung on me. I'm just a councilperson - Bachelor of Science in mathematics. Never investigated anything in my life. I would appreciate some help from the audience. I give you my word, I'll do what I can for four weeks. If I come up with - if I come up with no facts, at least I tried. But I...

Mr. Foltz: Okay.

Mrs. Magel: you know, as I said I'd like to have a lawyer. And I make no commitment that I can come up with something for you. I'm not an investigator.

Mr. Wiley: Why don't we vote?

Mr. Snyder: Yea. Okay...

Mr. Sarbach: The vote will not bring back any animals - it may make Mrs. Mohler whole in this issue.

Mr. McLaughlin: The question I have is, since she wants a vote, would she feel more comfortable with tabling this for two weeks until you come back with more information? I'm just asking the question.

Mrs. Magel: We've come too far.

Mr. McLaughlin: Okay. That's fine.

Mrs. Magel: I didn't want to put this on in the first place as I think everyone knows.

Mr. McLaughlin: Just asked the question.

Mrs. Magel: I appreciate it, I do Rick.

Mr. Snyder: Mr. Foltz:

Mr. Foltz: Kathy, you can investigate it. And hopefully, you know, some of these assumptions that are being made aren't true. But in my opinion that's - they still - we're willing to pay someone to trap cats - it's that simple. I mean we got to go point A before you go to point C and D.

Mrs. Magel: Right.

Mr. Foltz: That's another matter in my opinion - that's another matter in my opinion. That's not going to change my vote.

Mrs. Magel: I agree.

Mr. Foltz: It's not going to change my vote at all. So I feel kind of, you know that...

Mr. Snyder: I cannot...inaudible...

Mr. Foltz: you're supposed to be the detective here on the job. Where you've done more research in your committee on every one of your issues than anybody. So, you know...

Mrs. Magel: Well I'll tell you what, I know how those fat cats feel, cause I feel trapped right now.

Mr. Snyder: Will the Clerk call the roll please?

Mr. Treadon: Do you have a motion?

Mr. Snyder: Yes, I think there's a motion...

Mr. Wiley: Yes, I think we're all set.

Mrs. Kiesling: We're ready.

Mr. Snyder: We're ready - there was a motion and a second.

Mr. Foltz: I don't think there was a motion for this.

Mrs. Magel: No there wasn't.

Mr. Snyder: There was no motion made?

Mr. Foltz: No there was not.

Mr. Snyder: Oh, I beg pardon. Is there a motion?

Mrs. Kiesling: Yes.

Mr. Snyder: She made the motion to...did she not at the end of your...

Mrs. Sarbach: I understood you made the motion Kathy - I'm sorry.

Mrs. Magel: Okay, that's fine.

Mrs. Bittle: I don't have a motion to adopt.

Mr. Sarbach: I don't - I...

Mr. Snyder: Well please someone - someone make a motion to...

Mr. Foltz: Mary Louise says there's no motion. Let's have a motion.

Mr. Snyder: Is there a motion to adopt the first reading?

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 112-01. All members present voting:

Yes: Sarbach and Snyder.

No: McLaughlin, Wiley, Foltz, Kiesling and Magel.

15. Mr. Sarbach moved and Mr. McLaughlin seconded to **read by title only, first reading** of Ordinance No. 113-01. All members present voting:

Yes: Sarbach, Snyder, Wiley, Foltz, Kiesling, Magel and McLaughlin.

No: 0

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Ordinance No. 113-01 - First Reading

Ordinance No. 113-01 amending Section 24. AUTHORIZED MANPOWER of Ordinance No. 10-89, Police Personnel Ordinance, as amended, by an increase in the number of School Patrol, Extra and declaring the same to e an emergency.

Mr. Snyder: Chairman Wiley.

Mr. Wiley: Yes, this is so the Police Chief can hire, I think it's five part time crossing guards to fill in when other crossing guards are sick. This will eventually save the city money in that we won't be paying our police patrolmen to be crossing guards. The Chief is going to try to fill these positions. He's not sure that he can, but he'd like to have the option. And these are folks that are only paid when they work. So it only adds to our bills as they're needed. And again will be a savings in the long run. So I would move that we adopt this.

Mr. Wiley moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 113-01.

All members present voting:

Yes: Snyder, Wiley, Foltz, Kiesling, Magel, McLaughlin and Sarbach.

No: 0

Mr. Sarbach moved and Mr. McLaughlin seconded to **suspend the rules** for Ordinance No. 113-01. All members present voting:

Yes: Snyder, Wiley, Foltz, Kiesling, Magel, McLaughlin and Sarbach.

No: 0

Mr. McLaughlin moved and Mr. Sarbach seconded to **adopt under suspension of the rules** Ordinance No. 113-01. All members present voting:

Yes: Wiley, Foltz, Kiesling, Magel, McLaughlin, Sarbach and Snyder.

No: 0

16. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 114-01.

All members present voting:

Yes: Foltz, Kiesling, Magel, McLaughlin, Sarbach, Snyder and Wiley.

No: 0

Ordinance No. 114-01 - First Reading

An ordinance approving, confirming and accepting the dedication plat of Heiser's Way S.W., cul-de-sac, known as being part of Out Lot 212 in the City of North Canton, Stark County, Ohio, for public use purposes.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is the Heiser cul-de-sac that was one of the areas that we attracted some jobs into. And there will be a little cul-de-sac on the end of that - I think it's leading out onto Glenwood Avenue. And want to accept the dedicated plot.

Mr. Snyder: Inaudible...no, I think...inaudible...

Mr. Rice: I encourage you if this exists on Linwood to please vote it down.

Mr. McLaughlin: Linwood - okay, I'm sorry. I was thinking Glenwood for some reason I don't know why.

Mr. Snyder: It doesn't go on to Linwood, it goes on to Whipple. But that's alright.

Mr. McLaughlin: Excuse me, daydreaming on something else.

Mayor Rice: You got me worried there Rick.

Mr. McLaughlin: No - but I...

Mr. Wiley: A slight change in our plans.

Mrs. Magel: If it's Linwood Rick, my vote's yes.

Mr. McLaughlin: I kept thinking Glenwood for some reason. I don't know why.

Mr. Snyder: That's alright. Is there a motion to accept that?

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 114-01. All members present voting:

Yes: Kiesling, Magel, McLaughlin, Sarbach, Snyder, Wiley and Foltz.

No: 0

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17. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 115-01. All members present voting:

All members present voting:

Yes: Magel, McLaughlin, Sarbach, Snyder, Wiley, Foltz and Kiesling.

No: 0

Ordinance No. 115-01 - First Reading

An ordinance approving, confirming and accepting a twenty (20') foot sanitary sewer easement along the east side of Lot 3552 and part of Lot 3553 (to be known as Lots 6687 and 6688) and the replat of Lots 3552, 3553 and 3554 in the City of North Canton, County of Stark, State of Ohio and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Simply stated it's a sanitary sewer easement recommended by the Engineering Department...inaudible...new plat. And have this easement for maintaining of this sanitary sewer. And I move that we adopt the first reading of Ordinance No. 115-01.

Mr. Sarbach moved and Mr. McLaughlin seconded to **adopt the first reading** of Ordinance No. 115-01. All members present voting:

Yes: McLaughlin, Sarbach, Snyder, Wiley, Foltz, Kiesling and Magel.

No: 0

Mr. McLaughlin moved and Mr. Sarbach seconded to **suspend the rules** for Ordinance No. 115-01. All members present voting:

Yes: Sarbach, Snyder, Wiley, Foltz, Kiesling, Magel and McLaughlin.

No: 0

Mr. McLaughlin moved and Mr. Sarbach seconded to **adopt under suspension of the rules** Ordinance No. 115-01. All members present voting:

Yes: Snyder, Wiley, Foltz, Kiesling, Magel, McLaughlin and Sarbach.

No: 0

REPORTS:

Mr. Snyder: Okay. Assistant Director of Law.

Mr. Treadon: No report.

Mr. Snyder: Finance Director.

Mrs. Herr: Yes. Republic Waste has gone through and made some changes to their trash routes that's going to be effective October 1st. And so next week we're going to be sending out cards to about a 1,000 residents that are to be effected. And we'll have their trash pick up days changed. Those are going to be mailed out next week. And again, it will be effective October 1st. And they did say that if there's any problems as far as with people having a delayed trash pick up date, that they'll work with the individual and get it all cleaned up. So that will be coming out some time next week.

Mr. Sarbach: Do you have -- Julie, do you have any idea what that change - what the changes are? Do you have idea...inaudible...

Mrs. Herr: I mean it all varies. I mean there are some that changing from Tuesday, Wednesday - Monday to Friday - Friday to Monday - I mean it's all, you know, they went through and looked at the whole city and tried to figure out how they could increase their efficiency. And they're bringing, you know, two trucks in the city now five days a week. So there - it varies. But I - I mean there is a list, you know we have it all color coded so if anyone has any questions.

Mr. Sarbach: Yea, I would like to see that. You have it here now?

Mrs. Herr: Ah, yes.

Mr. Sarbach: I'll stop by tomorrow and take a look at it. Thank you.

Mr. Wiley: And Julie do you know if they're going to have plan -- I mean people are going to not get the message and we're going to have garbage sitting out on curbs.

Mrs. Herr: Yea, I mean they said that...

Mr. Wiley: Do you have plans to...

Mrs. Herr: pretty much they'll pick up whatever is out. I mean they will, you know, they know that there's going to be a period of adjustment and transition.

Mr. Foltz: Yea, like a grace period.

Mrs. Herr: So yea, I mean, they definitely realized that. So.

Mr. Wiley: Okay, good.

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Mayor Rice: If you get any residents with any concerns anytime - during this time in particular though Don, please just instruct them to call the Mayor's office or the Administration and we will get somebody out there. If somebody gets missed or something happens, please notify us and we'll get on it right away. John will take care of that.

Mr. Wiley: Okay. Thanks Tom.

Mr. Boyajian: One of the areas they're going to move is Pineview in that new annexed area. They were pick up for Plain Township on a Friday. Now they're going to be Monday with the rest of ours.

Mr. McLaughlin: They will be notified...

Mr. Boyajian: Yes.

Mr. McLaughlin: of a change?

Mr. Boyajian: Everybody will be notified.

Mr. McLaughlin: How soon is that change coming about?

Mr. Sarbach: October 1st.

Mrs. Kiesling: Till October 1st.

Mayor Rice: I think she said October 1st.

Mr. McLaughlin: I didn't hear - I couldn't hear.

Mr. Boyajian: October 1st.

Mr. McLaughlin: I didn't put my hearing aid in tonight.

Mr. Snyder: That's alright. You done?

Mrs. Herr: Yea, that's it.

Mr. Boyajian: The mounds at the ball field are -- will be 75 percent done in two weeks. The trees will be planted at that time. We won't get the rest of it done this year - we have no funds. We'll probably need another 5 to \$10,000.00 for the finishing. So if you go out there it's going to be very obvious where we stopped. And you're going to like what our people did. We put that together ourselves.

Mr. McLaughlin: What is the time table then John? Like of June of next year it will be completed?

Mr. Boyajian: Well, as soon as spring breaks and we can go out and do some planting and grass growing.

Mayor Rice: We need dirt. If you know anybody that's got extra dirt that they don't know what to do with, we'll gladly take it.

Mr. McLaughlin: Do we have...

Mr. Boyajian: See this all hinges on...

Mayor Rice: We could do the mounds now. We could finish them if we had the dirt.

Mr. Boyajian: Or \$10,000.00.

Mr. McLaughlin: Okay.

Mr. Sarbach: Maybe after this meeting tomorrow we could get some dirt off Easthill to put out there.

Mr. Wiley: We're out of dirt?

Mayor Rice: They got some piles down there.

Mr. Sarbach: Keep that in mind.

Mayor Rice: Yea.

Mr. McLaughlin: What about trees and all that stuff are we...

Mr. Boyajian: It's all ready to come.

Mr. McLaughlin: Okay.

Mr. Boyajian: Now...

Mrs. Magel: John...

Mr. Boyajian: we would of had the dirt if the raw waterline continued. Cause we were going to use all the dirt on the line. That's not going to go anymore so.

Mr. Sarbach: We're still in compliance with American Electric Power on clearance for those lines?

Mr. Boyajian: Every - yea, we backed up away from the power lines.

Mr. Sarbach: Okay, thank you.

Mrs. Magel: John, the people of East Maple thank you very much - even for the 75 percent. Thank you very much.

Mr. Boyajian: You're very welcome.

Mr. Wiley: Yea, it looks good John.

Mr. Boyajian: One other thing. Nobody asked but I'm going to throw this out anyway. Critter Control is what the pick up company that we use. They're based in Alliance, Ohio. They pick up skunks, raccoons, groundhogs and opossums. Domestic animals, if caught, are released.

Mr. Sarbach: Those are our -- that's our...

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Mr. Boyajian: That's...

Mr. Sarbach: sanctioned trapper for the city. Is that correct?

Mr. Boyajian: We've been doing this now for four years.

Mr. Foltz: Yea, I brought that up last week.

Mr. Boyajian: Our biggest problem is skunks and spraying that come out of their nests. Because they'll live right at the garbage cans or close to them in a backyard or front yard. Okay? Nothing else.

Mr. Snyder: Mr. Mayor.

Mayor Rice: I just want to make a comment. Again publicly thank FirstMerit Bank for an outstanding concert again this year. I know many of you were there. I didn't see - you couldn't see everybody there. But it was a heck of a great turnout. Had a fabulous crowd again. FirstMerit does a wonderful job. Thanks to them we have that wonderful concert of the Cleveland POPS and everything went off very well. And I appreciate our crews. Kim's out here - and primarily Kim and his crews, along with the Police Department do a fabulous job of making that a great event and securing the streets and keeping everybody happy. So appreciate Council's continued support of that.

Mr. Sarbach: Mr. Mayor do you have an estimate of the crowd - the people in attendance? I mean you were sitting higher than I was maybe you could see about how many were there.

Mayor Rice: I am no good at that Greg. I wouldn't hesitate a guess because I have no clue how to estimate the crowds. It probably be a better question to ask maybe the Police Department. I don't know if Kim thinks - to me it appears that the crowd gets bigger every year. But there was a lot of people out here.

Mr. McLaughlin: It would be nice if you would send a letter to them saying thank you for their support. Inaudible...thanking them personally...inaudible...

Mayor Rice: Inaudible...FirstMerit?

Mr. McLaughlin: Yea. To FirstMerit and from the Council and Mayor we really do would appreciate their efforts and their community involvement. And also I have to agree with you, Kim and his crew does a wonderful job. Whether it's the City festival or the concert they always do a tremendous job.

Mr. Snyder: Yea, like a little proclamation.

Mayor Rice: They are really well trained at this now.

Mr. Snyder: That would be nice.

Mayor Rice: They've done it now what about nine or ten times? Man they can shut down these streets and reopen them in their sleep. They're great. And establish those detours.

Mr. Snyder: That'd be nice, they could hang it on a wall.

Mayor Rice: They've got it down pat. They do it very efficiently and very easily and with very little disruption to the motorists. But it was another great event for the City of North Canton.

Mr. McLaughlin: Kim would like to have a dormitory added on to our Fire Department. So they can make it around the clock.

Mayor Rice: Yea, I'm sure he would. That's all John.

Mr. Boyajian: If you notice.

Mrs. Magel: Mr. Mayor, I'd just like to say not only was quality musicians, but they made it - they just made it a lot of fun.

Mayor Rice: Yea.

Mrs. Magel: They had a lot of participation from the audience and...

Mayor Rice: Yea, it's a great event.

Mrs. Magel: Yea, it was a great event.

Mayor Rice: They do a wonderful job.

Mr. Boyajian: One more thing. The flags are down. They went down today, they'll go back up Memorial Day of next year for the entire summer just like they have in the past. We don't take them anymore, just during the winter months.

Mr. McLaughlin: Did we lose any flags in bad shape this year?

Mr. Boyajian: Yes, we always lose flags.

Mayor Rice: We just have some every year that you have to circulate out that are getting in rough shape. And we don't want to redisplay those so we replace those every year.

Mr. Boyajian: We're going to inspect all the flags and anything that's just a bit tattered is going to be out. We're going to basically go with new flags yearly.

Mr. Sarbach: What do we do with the flags that we...

Mayor Rice: They contact the Boy Scouts...

Mr. Treadon: We trap them.

Mayor Rice: to properly dispose of the flags.

Mr. Sarbach: The Boy Scouts do it?

Mayor Rice: Yes they do.

Mr. Sarbach: Okay. Thank you.

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Mr. Boyajian: They have a program that takes care of them.

Mr. Snyder: Thank you.

Mayor Rice: Good training for the Scouts and they use that how to properly take care of the American flag. That's all.

M. Snyder: Thank you. Mr. Engineer, you have anything to report?

Mr. Benekos: No report.

Mr. Snyder: No report, good. Madam Clerk.

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: No report.

Mr. Snyder: Member Sarbach.

Mr. Sarbach: No report.

Mr. Snyder: Member McLaughlin.

Mr. McLaughlin: No report.

Mr. Snyder: Member Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Member Magel.

Mrs. Magel: No report.

Mr. Snyder: Member Wiley.

Mr. Wiley: Ditto.

Mr. Snyder: Thank you.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Final call for new business. Anyone in the audience wish to speak to the Council?

Nancy Fosnaught: Ah, yes. Nancy Fosnaught. This is for Mr. Sarbach. I found that name, his name is Tim Jordon - the gentleman who is in charge of the Ohio Division of Wildlife for Stark County.

Mr. Sarbach: Thank you mam.

Mrs. Fosnaught: You might want to call him.

Mr. Sarbach: Thank you Nancy.

Mrs. Fosnaught: You're welcome.

Mr. Snyder: Thank you Mrs. Fosnaught. Is there any - Mrs. Burnett.

Suzanne Burnett: I'm Suzanne Burnett. I live in - on Pierce Avenue. And I have listened to the discussion about the cats with some interest, but with no knowledge and no opinion. The one concern that I would express to you is that when you explained that it was a moral claim against the City because of some problem with property, there was not enough information for me to understand why that was so serious and perhaps it's because it's confidential. But it seems to me that you appear to be in a weaker position than you might of been if you had been able to explain why you felt you had to meet that moral claim. And I felt I had to say that. Thank you.

Mr. Snyder: Thank you. I appreciate that mam. Sam...

Sam Brenton: Inaudible...legs in motion.

Mr. Snyder: I didn't even recognize you - we haven't seen you for so long.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 10, 7:00 p.m., 2001 (YEAR)

Sam Brenton: I set too long. My name is Sam Brenton from down on Westfield. A couple weeks ago I heard this same thing I heard for the last 30 years - we need a new sound system in this joint. All you guys got to do is just one, take a deep breath and make a motion and it might come true. John you're going to retire pretty soon; you want at least hear what they're saying over there.

Mr. Boyajian: I'm so old I can't hear anyway.

Mr. Brenton: Oh you don't give - you don't give a crap - you don't care what they're saying. Anyhow, that's all I want to say.

Mr. Boyajian: Thanks Sam.

Mr. Snyder: Thank you Sam.

Mr. Brenton: We need a new sound system really.

Mr. Snyder: Sir, you have something to say?

Mayor Rice: We do have - Sam, we do have - we do have somebody looking into that Sam. So...

Mark Gilger: I had some dental work done earlier today.

Mr. Snyder: That's alright.

Mr. Gilger: I live a -- My name is Mark Gilger. I live at 1135 Knoll, adjacent to the Oakhill property. He was commenting about his swale. Well, it's inadequate. I receive water and silt from Oakhill on to my property and my driveway that has been affected ever since I moved in a year ago that has nothing to do with the run off on the back. Now I just want to make it a point of record. So who do I see? I don't want to go after the gentleman behind me because I've been getting water ever since I moved in there. And I've contacted the Street Department about a open storm sewer that runs on to my property. I've talked to someone named Rich on several occasions. I haven't heard back from anyone.

Mr. McLaughlin: Are you the property

Mr. Snyder: Mr. McLaughlin.

Mr. McLaughlin: are you the property that goes as you go up the hill, you're down in that valley?

Mr. Gilger: Yes sir.

Mr. McLaughlin: That - you just bought that property off of auction?

Mr. Gilger: Yes sir.

Mr. McLaughlin: Okay, I know where you're at. Yea, I'll talk to you after the meeting and we'll get with Jim over there, the Engineer. Yea, I know what you're talking about now.

Mr. Gilger: Okay, thank you.

Mr. Snyder: Is there anyone else wishing to speak? Thank you. If not I'll entertain a motion to adjourn.

ADJOURN:

Mr. Wiley moved and Mr. Foltz seconded to adjourn the regular council meeting. All members present voting:

Yes: Wiley, Foltz, Kiesling, Magel, McLaughlin, Sarbach and Snyder.

No: 0

The meeting ended at 8:30 p.m.

[Handwritten signature of President of Council]

PRESIDENT OF COUNCIL

ATTEST:

[Handwritten signature of Clerk of Council]

CLERK OF COUNCIL