

Newsletter to Residents

April, 2002

From:

**Chuck Osborne
Councilman at-Large**

Dear North Canton Residents:

Personal Message to
North Canton Residents

I would like to take this opportunity to call your attention to what I observe as efforts by the city administration to control access to information concerning the business of the city and forcing council members to rely solely on information supplied by the city administration.

Actions by the city administration to control and hinder council access to information was first attempted by the city administration this past December when I attempted to get an answer to a question that I had posed to the city's Department of Permits and Inspection. The information was routine information that any citizen could have asked for. The department head told me that he had been instructed by the administration to advise council members that if they required information, they would need to contact the administration for the information. I and other members of council reported this to the President of City Council. This issue was resolved with the city administration after the council president expressed concern to the mayor.

In the week of April 7, the city administration has again attempted to thwart, filter and block the flow of information and the focus of their actions have been on me. As an elected representative of the citizens of North Canton, I cannot do the job expected of me when the city administration continually attempts to thwart the free flow of information.

On Tuesday of this week, I was scheduled to attend a meeting that concerned me as Chairman of the Ordinance, Rules and Moral Claims Committee. The purpose of the meeting was to discuss the final corrections that were to be made to the draft of North Canton's proposed new zoning code. After these changes are incorporated, my committee is to discuss the proposed new code in council and then present this draft to the entire city council for action. The Superintendent of Permits and Inspection and I were scheduled to meet with a consulting firm that specializes in zoning services as a city planner. This firm was hired in 1997 to assist North Canton in a rewrite of the city's new zoning code.

After arriving early for the meeting and waiting for fifteen minutes, I was summoned to an office. Apologizing for the situation that the administration had put him in, the Superintendent of Permits and Inspection proceeded to tell me that the city administration had asked that I not attend the meeting. Understanding the situation that this department

Contents:

*Council member access to
information* 1

*Reasons for abstaining on
pipeline vote* 3

*Annual fees for railroad
right-of-way* 3

*Text of a public speaks
before council by resident* 4

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been put in, I simply left feeling quite stunned at what I had just been told.

The next day, there was another instance by the city administration to control the flow of information. I had a message on my cell phone from an engineering firm I had contacted regarding a technical question on North Canton's plan to connect a 24-inch waterline to Canton's 12-inch waterline. I had some concerns on whether there could be any negative effects on water pressure on the 12-inch waterline for water users downstream of this proposed connection. In the message from the engineering firm, they were advised not to provide any information to me and said they were further told to tell me that if I needed any information that I would have to direct my questions to either the Director of Administration or the mayor.

North Canton's city charter states the following: "Council may inquire into the conduct of any office or department and into the performance of any contract or any of the affairs of the municipality (page 9)." Does this mean that council can only ask questions as one body? Must all seven council members agree on a question before it can be asked? How can a council member vote independently if council members are not allowed to ask their own questions?

Should a council member vote on an issue only with information the administration desires to release? I am now being told that if I have questions, I must submit them in writing to the city administration. I cannot thoroughly research an issue and come to any sound decision if this is the process that the city administration is going to force on me or any member of City Council. Also, I cannot do my job and fulfill my responsibility to the position I was elected if the city administration is going to call around to outside sources and ask that information be withheld from me.

If you are content to see City Council representatives vote on issues with information that only the city administration deems appropriate to reveal that is your choice. If residents are happy to have the administration intimidate, discredit and attempt to limit a council member's ability to represent the public that is your choice.

I believe City Council exists solely to represent the residents of North Canton and to provide a system of checks and balances for city government. If you feel that each councilperson should have unfettered access to the conduct of the public's business, I am asking for your support by communicating your concern to the city administration that council members must have unobstructed access to information. The city administration must change their attitude that they will dictate when, where, and how council members will gather the information they need to make legislative decisions for the City of North Canton.

It would be a tremendous help to all members of City Council if North Canton residents would communicate their concern about the conduct that the city administration has demonstrated regarding a council member's right to unobstructed access to information. I have listed below the phone numbers of City Council and of the City Administration for your convenience.

Mayor

(330) 499-5081

Director of Administration

(330) 499-8223

The mailing address for all city offices is:

145 North Main Street

North Canton, Ohio 44720

My Reasons for Abstaining on the Vote For Pipeline Connection to Canton Water System

The recent newspaper reports on the North Canton pipeline connection to Canton for a backup water source have not fully explained my reasons for abstaining from the voting on that issue.

First, the contract with the railroad called for annual payments of \$1,500 with these payments being adjusted each year for inflation. This will result in an ever-increasing annual payment and with compounded interest over the expected lifetime use of the pipeline will amount to a payout of over one million dollars. Canton paid a one-time fee of \$95,700 and will own their right-of-way forever. Under this contract, North Canton will make payments for as long as it uses the right-of-way and will own nothing.

Second, the city administration could not provide assurances that the pipeline will be engineered in such a way as to remain clear of planned improvements for the Zimber Ditch. If the pipeline interferes with the planned improvements for the Zimber, required design changes and/or relocation of the pipeline will be required. This will result in greater expense to taxpayers in the future.

Third, The city administration could not show what impact the pipeline connection will have on water pressure for the residents downstream of where North Canton's 24-inch line connects to Canton's 12-inch line.

The goal to provide an additional source of water and to hook to Canton was needed but the goal does not justify the means to get there. The need for additional water has been known since the middle of last summer and a project of this magnitude should not be rushed. Other routes for the pipeline should have been pursued. How a task is accomplished is just as important as accomplishing the task.

The right-of-way contract for the pipeline with the railroad calls for annual fee adjustments on each year's fee based on the CPI.

The payment schedule shown is based on the historical inflation rate of 3.2%. Due to compounding, the increase in the annual fee each year becomes greater with each successive year.

After the first ten years, total fee payments are more than \$17, 000. After twenty years, the accumulated payout totals over \$41,000. (For space reasons the fee schedule only shows the amount of the annual fee at five-year intervals).

The 24-inch water line could conceivably be used for one-hundred years or more and total payouts at this point would be in excess of one million dollars.

I can be contacted at:

Phone: (330) 499-4975

E-mail: osborne-atlarge@neo.rr.com

Year	Annual Fee	Fees Paid To Date
1	\$1,500.00	
5	\$1,701.41	
10	\$1,991.63	\$17,355.05
15	\$2,331.35	
20	\$2,729.01	\$41,135.65
25	\$3,194.51	
30	\$3,739.40	\$73,720.80
35	\$4,377.25	
40	\$5,123.89	\$118,370.32
45	\$5,997.88	
50	\$7,020.96	\$179,550.92
55	\$8,218.54	
60	\$9,620.41	\$263,383.09
65	\$11,261.39	
70	\$13,182.28	\$378,253.37
75	\$15,430.81	
80	\$18,062.89	\$535,653.35
85	\$21,143.94	
90	\$24,750.52	\$751,329.25
95	\$28,972.29	
100	\$33,914.18	\$1,046,857.23

This is the text of a public speaks made at a North Canton City Council meeting on January 28, 2002. The message was so eloquent that I wanted to share it with the residents of the city and not let it go unnoticed in the archives of past council minutes.

Page 4

I thank this council for the opportunity to speak this evening. My comments tonight revolve around the events of January 14 council's meeting regarding the J Group contract with the city.

My concerns are not the contract that was approved, but rather the manner of debate on this issue and its precedence for the council. This council chamber must be a place where individuals can express their opinions without fear of personal attack. It must be a place where questions can be asked and concerns raised. This council chamber must be a place where those questions and concerns are addressed in an honest and forthright manner. This council chamber must be a place where the debate is over issues, not personalities. Only through honest intellectual debate of the issues can this council hope to generate sound legislation and wisely spend the taxpayer's money.

I hesitate to call the debate at January 14th council meeting a debate at all. After Councilman Osborne, who was the lone councilman against the J Group contract was given an opportunity to speak early in the debate, he was never given the opportunity to speak again; even though he asked to be recognized on at least four other occasions. When Mr. Osborne asked one final time to be recognized, Mr. Foltz stated, "Point of order Jon, let's vote - point of order" and Mr. McLaughlin seconded, thus ending the "debate". Although this might be "a legal move", what is legal and what is ethical are sometimes two very different things.

The American Heritage Dictionary definition of debate is to discuss opposing points. Unfortunately for the City of North Canton and its constituents, on January 14th only one side was fully heard. One wonders what harm could have occurred by allowing Mr. Osborne another opportunity to speak. Honest intellectual debate must always be about issues. Mayor Rice referred to Mr. Osborne as a bad apple.

This strategy of attacking a person rather than addressing issues has unfortunately become all too common strategy in politics today. This strategy of personal attack benefits no one. The City of North Canton loses because the discussion no longer focuses on the issues. Mr. Osborne loses because his concerns are not fairly addressed. Mr. Rice loses because he fails to debate the issues.

Mr. Mayor, if asking questions and raising concerns makes one a bad apple I would like to proudly join that list with Mr. Osborne. It would be a badge of honor that I will proudly wear. As councilmen you are charged with the responsibility of faithfully executing your office. Part of this responsibility is to independently verify the facts; not just accept information given to you. At January 7th council meeting Mayor Rice stated that Teri Johnson from the J Group was, "the person responsible primarily for putting this (referring to the *Massillon Alive Schedule of Events* brochure) together over the last several years." I have a copy of memo that Mr. Osborne graciously provided me, that he supplied to all councilmen in regards to his research on this issue. It specifically references the individuals he talked to, their telephone numbers and the specific nature of his conversation. This is a well documented piece of research, which can be easily verified by any one of you individuals here.

Based upon what Mr. Osborne's research indicated, it appears that Teri Johnson had very little to do with this brochure. When you're looking to hire someone, either as an employee or a consultant, it is your obligation to verify their resume. Just because the J Group is headed up by former mayor David Johnson, does not automatically give him a free pass. We all know what happened at Notre Dame when the university failed to verify their football coach's resume. And I as a Catholic, can say that if you wanted to hire Pope John Paul II as a consultant, I would want his references checked out also. This is just good business.

In conclusion, there must be a new openness in this council that encourages different viewpoints. Council is made up of seven people for a reason, so that a diversity of opinion can be heard. We can have and we must have honest debate of the issues. The result is always a better idea than what we started out with. The very foundation of our republic, the Constitution, was fashioned only after much debate over the issues. If this honest debate had not occurred, the first ten amendments to our constitution, our bill of rights, might not exist today. This is the greatest nation because we encourage debate of the issues; not discourage it. Thank you,

Glenn Saylor
North Canton0

The speaker has given his permission to use his name along with the text of his presentation to City Council.