

# Memo

To: North Canton City Council  
From: Chuck Osborne  
CC: Mayor  
Director of Administration  
Date: 4/7/02  
Re: Proposed Water Line Connection with Canton Requires Careful Planning and Need of a Master Water Plan with City Council Involved in the Planning

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North Canton does need a backup source of water and it is good that the North Canton City Administration is now addressing this fact. I am in favor of making a connection to Canton as a source of water, whether it be as an emergency source or a supplemental source of water.

My concerns regarding the planned waterline connection to Canton are with the mechanics of making this waterline connection. All aspects of the plan must work in North Canton's best interest. Some of my concerns were listed in my memo of two weeks ago. Since that time I have gathered information that validates some of my concerns. At this time, I have four concerns that deserve attention regarding the proposed waterline connection to Canton:

**1. The need to route the proposed waterline in a way so as not to negatively impact future improvements to the Zimber Ditch.**

The Stark County Engineers have turned over management of the Zimber Ditch to a consulting firm by the name of M.E. Companies. An engineer for this engineering firm by the name of Gary Conner is the designated manager of the Zimber Ditch. He was involved in the engineering study that resulted in a publication in March 1997, entitled The Zimber Ditch Study.

In my conversations with Mr. Conner, I have learned that the pipeline needs to be routed so as not to interfere with the planned future improvements to the Zimber Ditch. In talking with Mr. Conner (manager of the Zimber Ditch) and in looking at the planned culvert replacement for Everhard Road (see Zimber Ditch Study, page 20) it appears that the

installation of the 12-inch Canton waterline across Everhard Road was placed without regard to the planned Zimber Ditch improvements. As a result, the Canton 12 inch water line will have to be relocated to make way for the culvert improvements at Everhard Road at needless expense. This relocation of the waterline at Everhard Road will be quite expensive.

The planned 24 inch line that North Canton wants to put in will cross the Zimber Ditch several hundred feet north of Everhard Road and there needs to be close planning and coordination with regard to the future improvements to the Zimber Ditch. If this is not done, future improvements to the Zimber Ditch will come at a substantially higher price.

**2. There needs to be a cap to the right-of-way fees. The terms of the contract with the Metro Regional Transit Authority require that annual fees be paid for infinity.**

The annual fee of \$1,500 will escalate yearly (adjusted for inflation per the agreement) and will have increased to \$5,123 per year after forty years. Total fees paid out over forty years will total more than \$118,000. In effect, North Canton is renting the right-of-way and as a renter has limited rights.

I have talked with officials in Canton and learned that they were first asked to make monthly payments for their right-of-way. The City of Canton did not feel comfortable with that arrangement and negotiated a one-time perpetual license fee of \$95,700 for their right-of-way. As a result, Canton has a permanent right-of-way for their pipeline and is not subject to the kinds of limitations found in the agreement North Canton is asked to sign with the Metro Regional Transit Authority.

North Canton's agreement with the Metro Regional Transit Authority provides little if any protection for the city. A few of the clauses in the agreement that cause some concern are:

- A default by North Canton will result in revocation of the agreement and the license granted.
- Automatic termination of the agreement and the license upon cessation of use of the pipeline.
- A clause requiring the removal of the pipeline from the right-of-way within thirty days after revocation or termination of the agreement. I have been told this has been removed from the agreement but I have not been given a corrected copy of the agreement.
- North Canton is required to reimburse and indemnify for any loss, cost or expense (including losses resulting from train delays and/or inability to meet train schedules) arising, directly or indirectly from the pipeline.
- Interest charges of 18 percent interest on any bills not paid within thirty days.

- North Canton would have to obtain prior written consent before any assignment of its interests in the pipeline.
- Default of any covenant of the agreement will allow the Metro Regional Transit Authority to revoke the agreement.

**3. What is the impact on water pressure for residential users downstream of where North Canton's 24-inch pipeline connects to Canton's 12-inch pipeline?**

I have only been told that there would be a slight drop in pressure and have not been able to confirm the true impact on water pressure for the downstream users. From an engineering point of view, there is software that can model the true impact of connecting a 24-inch pipeline to a 12-inch pipeline but I have not yet been able to discuss this scenario with an engineer who specializes as a hydrologist.

**4. What is the impact of this project on the future of North Canton's East Maple Street well field?**

Will the city require funding later this year for development of North Canton's East Maple Street well field? Where will the funds come from when the city receives approval to continue development of the East Maple Street well field? This has not been addressed by the administration.

In regard to a Master Plan for North Canton's water system, a number of questions need to be answered. How is the City of North Canton going to meet its immediate and future need for raw water? What is the city's long-range plan for North Canton's water system?

City Council stepped forward last month and took the first steps to put North Canton's water fund on a more sound financial footing by increasing water rates. Throughout the weeks of debate and discussion, I was surprised that at no time during the discussions on water rates did the present administration weigh in on the discussions and express an opinion. If the administration had any future plans for the city's water system it would have made a lot of sense if the administration would have expressed an opinion on the needed increases in water rates.

Now that City Council has voted, with little or no indication as to where the administration stands on the need to increase water rates, the administration comes to the City Council with plans to connect a pipeline to the City of Canton's water lines. The first time this pipeline plan

was made public was at the Rotary breakfast when the mayor announced the pipeline plan at his State of the City speech. I was one of four members of City Council who were in attendance. This is the first time I heard about the mayor's plan for a pipeline. In talking with the other council members in attendance, this was also their first knowledge of the plan for a pipeline connection to the City of Canton. What would the administration have done if City Council had not agreed to a rate increase or only agreed to the minimal increase that was proposed? Would the pipeline connection to the City of Canton still be a viable plan?

Why is there no comprehensive plan in place for the future of North Canton's water system? Why is City Council not part of the planning process? Why is North Canton's water policy reactive instead of proactive?

A good example is the Dressler water field. Knowing that there was a strong possibility of dumping and later a requirement to do a cleanup of the site, why did the city wait so long to develop alternative water sources? That situation was known for years and yet no action was started until time began to run short. And that action led to a rush to develop the East Maple Street well site. And now it is nine months after the East Maple Street well field became embroiled in issues of its own and the City of North Canton finds itself rushing into another scenario to ensure a supply of water.

The City of North Canton needs to set a Master Plan for its water system. The plan must be orderly and have time constraints that can be met. It must have continuity between administrations. And above all, the city administration needs to involve City Council in the implementation of the plan as well as in the planning.

Sincerely,

A handwritten signature in black ink that reads "Chuck Osborne". The signature is written in a cursive, slightly slanted style.

Chuck Osborne  
Council at-Large  
City of North Canton