

1 RESOLUTION NO. 2015-073

2
3 SPONSOR Mr. Pry, Mr. Crawford, Ms. Shapiro

4
5 DATE March 2, 2015 COMMITTEE Public Works

6
7 **A Resolution authorizing the County Executive to execute a Memorandum of**
8 **Understanding and subsequent Purchase Agreement, District Modification Agreement and**
9 **other necessary documents with the Cities of Norton and Barberton to consolidate sanitary**
10 **sewer facilities and service in the City of Norton, for the Executive, and declaring an**
11 **emergency.**

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13 WHEREAS, the County is the owner of certain sanitary sewer facilities in the City of
14 Norton ("Norton") which transmit sanitary sewer flow to the City of Barberton ("Barberton")
15 sewer treatment plant for treatment; and

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17 WHEREAS, Norton also owns certain sanitary sewer assets within Norton which also
18 collects sanitary sewer flow for treatment in Barberton; and

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20 WHEREAS, the County Executive has negotiated a Memorandum of Understanding
21 ("MOU") with Norton and Barberton setting forth a potential transaction whereby the County
22 would sell to Barberton, and Norton would transfer to Barberton, their respective sanitary sewer
23 facilities; and

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25 WHEREAS, pursuant to the MOU, Barberton would pay the County the sum of
26 \$1,750,000.00; and

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28 WHEREAS, pursuant to the MOU, Barberton would assume the customers currently
29 served by the County and Barberton would become the exclusive sanitary sewer provider for
30 Norton; and

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32 WHEREAS, the County Executive has recommended to this Council that authorizing him
33 to execute the MOU and subsequent Purchase Agreement, District Modification Agreement and
34 other necessary documents, is beneficial financially to the County and promotes a regionalized
35 solution to address pressing environmental issues in Norton; and

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37 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
38 that it is necessary and in the best interest of the County to authorize the County Executive to
39 execute the MOU and to further authorize the County Executive to execute a Purchase
40 Agreement, District Modification Agreement and such other documents set forth in and/or
41 necessary to fulfilling the MOU.

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43 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
44 of Ohio, that:

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1 RESOLUTION NO. 2015-073

2 PAGE TWO

3
4 SECTION 1

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6 The County Executive is hereby authorized to execute the Memorandum of
7 Understanding ("MOU") with the Cities of Barberton and Norton to consolidate sanitary sewer
8 facilities and service in the City of Norton, a copy of which is attached hereto as Exhibit A. The
9 County Executive is further authorized to execute the Purchase Agreement, District Modification
10 Agreement and any other documents set forth in and/or necessary to fulfill the terms of the MOU
11 upon terms and conditions not in conflict with the MOU and that are materially consistent with
12 the MOU.

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14 SECTION 2

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16 This Resolution is hereby declared an emergency in the interest of the health, safety and
17 welfare of the citizens of the County of Summit, and for the further reason of immediately
18 allowing the parties to the MOU to expeditiously complete and execute the aforementioned
19 agreements and address certain environmental issues within the City of Norton.

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21 SECTION 3

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23 Provided this Resolution receives the affirmative vote of eight members, it shall take
24 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
25 effect and be in force at the earliest time provided by law.

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27 SECTION 4

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29 It is found and determined that all formal actions of this Council concerning and relating
30 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
31 deliberations of this Council and of any of its committees that resulted in such formal action,
32 were in meetings open to the public, in compliance with all legal requirements, including Section
33 121.22 of the Ohio Revised Code.

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36 INTRODUCED February 9, 2015

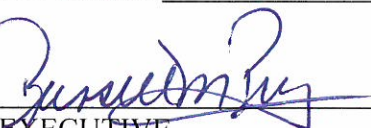
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38 ADOPTED March 2, 2015

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41 _____
42 CLERK OF COUNCIL



PRESIDENT OF COUNCIL

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44 APPROVED March 3, 2015

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46 
47 _____
48 EXECUTIVE

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50 ENACTED EFFECTIVE March 3, 2015

Voice Vote: 11-0: YES: Comunale, Crawford, Donofrio, Feeman, Kostandaras,
Kurt, Lee, Prentice, Rodgers, Schmidt, Shapiro