

1 RESOLUTION NO. 2015-481

2
3 SPONSOR Mr. Pry

4
5 DATE NOVEMBER 23, 2015 COMMITTEE Public Works

6
7 **A Resolution authorizing the County Executive to execute a Purchase Agreement and any**
8 **other necessary documents with the City of Barberton to consolidate sanitary sewer**
9 **facilities and service in the City of Norton, and amending Board of Commissioners**
10 **Resolution No. 743-70, for the Executive, and declaring an emergency.**

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12 WHEREAS, in Resolution No. 743-70, the County of Summit Board of Commissioners
13 created the Summit County Metropolitan Sewer District, in which the territory comprising the
14 current corporate boundaries of the City of Norton (“Norton”), in Council District 7, were
15 included in said District; and

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17 WHEREAS, the County is the owner of certain sanitary sewer facilities in Norton which
18 transmit sanitary sewer flow to the City of Barberton (“Barberton”) sewer treatment plant for
19 treatment; and

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21 WHEREAS, in Resolution 2015-073, this Council approved a Memorandum of
22 Understanding (“MOU”) with Norton and Barberton setting forth a potential transaction whereby
23 the County would sell to Barberton, and Norton would transfer to Barberton, their respective
24 sanitary sewer facilities; and

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26 WHEREAS, pursuant to the MOU, Barberton would pay the County the sum of
27 \$1,750,000.00, with 10 yearly payments of \$175,000.00; and

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29 WHEREAS, pursuant to the MOU, Barberton would assume the customers currently
30 served by the County and Barberton and would replace the County as a sanitary sewer provider
31 for Norton; and

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33 WHEREAS, Barberton and the County Executive now wish to proceed with the Purchase
34 Agreement including, among other things, provisions to modify the Northeast Ohio Four County
35 Regional Planning and Development Organization 208 Plan and nominate Barberton as the
36 primary and secondary designated management agency of the service area in the City of Norton,
37 and remove the City of Norton from the Summit County Metropolitan Sewer District.

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39 WHEREAS, the Executive recommends to this Council that authorizing him to execute
40 the Purchase Agreement and any other necessary documents, is beneficial financially to the
41 County and promotes a regionalized solution to address pressing environmental issues in Norton;
42 and

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44 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
45 that it is necessary and in the best interest of the County to authorize the Executive to execute the
46 Purchase Agreement and any other documents set forth in and/or necessary to fulfilling the
47 Purchase Agreement.

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

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4 SECTION 1

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6 The County Executive is hereby authorized to execute a Purchase Agreement (“Purchase
7 Agreement”) with the City of Barberton (“Barberton”) to consolidate sanitary sewer facilities
8 and service in the City of Norton, including: (1) the sale of all of the County’s sanitary sewer
9 infrastructure in the City of Norton for \$1,750,000.00, payable over a period of 10 years without
10 interest; (2) removal of the City of Norton from the Summit County Metropolitan Sewer District;
11 (3) modification of the Northeast Ohio Four County Regional Planning and Development
12 Organization (“NEFCO”) 208 Plan nominating Barberton as the primary and secondary
13 Designated Management Agency in the County’s former service area in the City of Norton,
14 subject the approval of NEFCO; and (4) any other documents necessary to fulfill the terms of the
15 Purchase Agreement upon terms and conditions consistent with this Resolution.

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17 SECTION 2

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19 The territory comprising the corporate boundaries of the City of Norton is hereby
20 removed from the Summit County Metropolitan Sewer District as of January 1, 2016, and
21 County of Summit Board of Commissioners Resolution No. 743-70 is hereby amended to reflect
22 said removal.

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24 SECTION 3

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26 The County Executive is hereby authorized to apply for a modification of the NEFCO
27 208 Plan, in which Barberton shall be designated the primary Designated Management Agency
28 and secondary Designated Management Agency in the County’s former service area in the City
29 of Norton.

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31 SECTION 4

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33 This Resolution is hereby declared an emergency in the interest of the health, safety and
34 welfare of the citizens of the County of Summit, and for the further reason of immediately
35 allowing the County and the City of Barberton to complete and execute the Purchase Agreement
36 to consolidate services.

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38 SECTION 5

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

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44 SECTION 6

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46 It is found and determined that all formal actions of this Council concerning and relating
47 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
48 deliberations of this Council and of any of its committees that resulted in such formal action,
49 were in meetings open to the public, in compliance with all legal requirements, including Section
50 121.22 of the Ohio Revised Code.

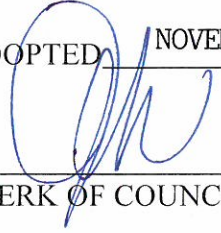
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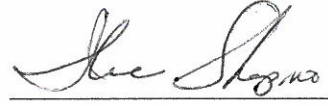
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INTRODUCED November 9, 2015

ADOPTED NOVEMBER 23, 2015

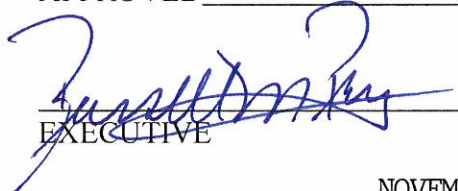


CLERK OF COUNCIL



PRESIDENT OF COUNCIL

APPROVED NOVEMBER 24, 2015



EXECUTIVE

ENACTED EFFECTIVE NOVEMBER 24, 2015

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