



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, JUNE 27, 2016**

Roll Call	Rick Rodgers	Also Present:
	Dennis McGlone	Mayor Mike Zita
	Joe Kernan-Excused	Valerie Wax Carr-Excused
	Dennis Pierson	Ron Messner
	Paul Tousley	Justin Markey
	Scott Pelot	Karla Richards
	Charlotte Whipkey	

The Regular Council Meeting convened on Monday, June 27, 2016 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Charlotte Whipkey, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer. Ms. Whipkey noted that Mrs. Carr would not be joining us this evening.

COMMITTEE OF THE WHOLE:

Mr. Rodgers discussed the south side door in Council chambers and that it gets so hot because of the heat and needs to maybe have the Service Department take a look at this. Mr. Messner noted he would look into this.

Parks Board Res. #4-2016 Loyal Oak Cemetery Land Donation

Mr. Rodgers noted the recommendation from the Parks Board is attached where they do not recommend this donation of land. Mr. Rodgers stated he has two concerns with this issue. One is there are many Norton residents and many Norton Veterans that are buried there. Mr. Rodgers stated he knows the situation of this church and if they dissolve we will end up taking this one over eventually. Mr. Rodgers asked about the fees we charge to open and close a grave and Mr. Messner noted that it's a couple hundred dollars. Mr. Pelot stated he can share from personal experience that if this is all we are charging that's not nearly enough. Mr. Rodgers stated this cemetery will be ours within about five years as he felt this church will close within that time. Mr. Rodgers recommended the City get ahead of this, take over the lots and get them sold. Mr. Rodgers asked how many lots were available and Mr. Messner stated he could not recall exactly. Mr. Messner stated that he and Mrs. Carr met with the church officials and their records were not the best. They are not making any money on this with their costs for maintenance running about \$500.00 per month, openings and closing, etc. We had numerous questions on their historical data that they either could not or would not supply adequate answers. One of our biggest questions is if this is a denominational church shouldn't their members be voting and approving this; to which the church could not answer.

We also felt with the manpower and equipment on our part for maintenance and the lack in the number of burials that might take place it is a drain on our resources. Mr. Rodgers stated he believed the cemetery pre-dated the church and used to be combined with the church next door, but he's a little confused on the history now. Mr. Rodgers suggested we gather more information and get back to discussions on this later and he would try to get more details. Mr. Messner stated that last fall when he and Mrs. Carr met at the church we pretty much left this ball in their court and we have not had any further feedback. Mr. Rodgers stated that is why they contacted him as he understood that Mrs. Carr and Mr. Messner had told the church no deal so we need to open dialogue again. Ms. Whipkey noted that at the Parks Board meeting the Chairman, Mr. Jessie Prather who has some expertise in cemeteries, and he was very concerned with the liability connected to some of the burial plots. Ms. Whipkey asked if we will end up with this anyway or if another Lutheran church would end up with it? Mr. Rodgers offered that he had some knowledge on that if they did go under, there would not be another Lutheran church there. Mayor Zita questioned with the cemetery going from a private to a public cemetery and the requirements needed to make those changes. Mr. Markey stated this is a dedication and is no different to the process of a road dedication which requires Council to accept it or not. If a dedication does not occur there is no obligation by the City to maintain this. Mr. Pelot asked if we refused the dedication, and the church goes under, then what happens to that property? Mr. Markey stated that's a good question; however he felt it just becomes not maintained at that point. The idea of imposing obligation onto the public generally is the reasoning of dedication so someone cannot impose that obligation upon a government entity. Mr. Pierson asked if the Lutheran Arch Diocese would have any responsibility to take over or if they receive any funds from the local church? Mr. Messner replied that we had asked them that and was one of the questions that had remained unanswered by the church. Mr. Rodgers answered that they received no funding and suggested we table this until we get the right information. Mr. Markey stated he did not know what responsibility the denomination would have. Ms. Whipkey read an emailed statement from Mr. Kernan voicing his concerns (see attached). Mr. Gainer asked to speak on this subject. Ms. Whipkey moved to allow for public comments, seconded by Mr. Toulsey.

Roll Call: Yes: Whipkey, Tousley, Rodgers, McGlone, Pierson, Pelot
 No: None

Motion passed 6-0.

Mr. Gainer, 3920 Wadsworth Road, Norton, Ohio, stated he is absolutely against taking this over without some monetary fund in place to care for it and questioned if the church goes under, who owns the land, the building, the cemetery? If they have a legal obligation to maintain the cemetery now, they would still have such an obligation to do so in the future if it were sold. Mr. Gainer stated that most cemeteries always have someone to run them and are set up as a perpetual fund. Someone owns the vacant lots now so they would still own them several years from now and they should still be responsible.

Mr. Messner stated he was certain the church does own the cemetery and that is where the record keeping is lacking as it is not clear as to how the plots are deeded. Mr. Rodgers stated he would get as much documentation and records as he could.

Ms. Whipkey moved to table Ord. #43-2016, until 7-11-16, seconded by Mr. Pelot. Mr. Rodgers asked why and Ms. Whipkey stated she wants to amend this. Mr. Tousley asked what the amendment is? Ms. Whipkey stated she wants to continue this discussion next week. Mr. Pierson asked what's the big secret here and Ms. Whipkey referred to Mr. Markey? Mr. Markey noted the reason for the amendment is to reduce the amount that was discussed last week in contacting Mr. Ryland asking for a lower amount, which was done. Mr. Pierson asked if anything is filed yet and Mr. Markey replied no, there has been nothing filed formally. Mr. Pierson asked if Mr. Markey had researched the issue of the statute of limitations he has as far as going back. Mr. Markey replied yes, it is six (6) years. Mr. Pierson questioned whether six years was correct and Mr. Markey responded he had sent Council this information in a memo a few months ago. Mr. Pierson stated that Mr. Ryland has not asked for this yet and yet we are trying to give away people's money. Mr. Markey stated Mr. Ryland has not filed a law suit yet. Mr. Pierson stated so we are volunteering taxpayers money to him, is that right? Mr. Markey replied he is requesting it and Council can vote either yes or no on this. Mr. Pierson stated last week he had asked Mr. Markey if he had heard from Mr. Ryland other than the initial email, and Mr. Markey answered no. Mr. Pierson asked if Mr. Ryland has sent another email since last Monday? Mr. Markey replied yes, and he did not specifically state he would be filing a suit. Mr. Pierson discussed the severance packages City employees get when they quit which was a hair brained idea by someone. Mr. Pierson stated that he is strongly opposed to giving him one red cent; this guy is gone and that's it. Mr. Markey stated we have talked about this before and that there is no severance package; they get any vacation time or sick time that may have accrued. Mr. Rodgers clarified there was not a "severance package" but there was what could have been a pretty lucrative consultant package that Mr. Ryland could have received. Mr. Markey stated that was for lawsuits. Mr. Rodgers stated the same person who is asking for this is part and parcel to the group that cost us a couple hundred thousand dollar settlement which he felt was a total screw up. Mr. Markey cautioned Mr. Rodgers on his comments due to the fact we have a settlement agreement that we denied liability, and he does not want the record to reflect anything otherwise. Mr. Rodgers stated it's an accountability issue and everyone has to be held accountable; and in this town there does not appear to be much. This costs the taxpayers money over, and over and over again. Mr. Rodgers stated he is not in favor of tabling this, let's just vote it up or down and move on. Mr. Tousley stated he is concerned with this being tabled and then coming back with new legislation getting passed on the first reading with the public being left in the dark and he would rather start over himself.

Roll Call: Yes: Whipkey, Pelot, McGlone
 No: Rodgers, Pierson, Tousley

Motion failed by a 3/3 tie vote.

Ms. Whipkey moved to table Ord. #44-2016 until July 11, 2016 relating to the holiday pay for Mr. Ryland, seconded by Mr. Pelot.

Roll Call: Yes: Whipkey, Pelot, McGlone
No: Rodgers, Pierson, Tousley
Motion failed a 3/3 tie vote.

COMMUNICATIONS FROM THE PUBLIC:

None

CONSIDERATION OF THE MINUTES:

Minutes of the June 13, 2016 Regular Council Meeting, approved as submitted-
Minutes of the June 20, 2016 Special Council Meeting, approved as submitted.
Minutes of the June 20, 2016 Committee Work Session, approved as submitted

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Zita reminded everyone about Akron Racers Norton Community Night, the upcoming 6th Annual Classic Car Show, and Norton's 2018 Bicentennial is still seeking volunteers for committees (see attached).

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION-None

INTRODUCTION OF PRIOR LEGISLATION:

ORD #50-2016

Mr. Pelot offered Ord. #50-2016 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AND DELIVER FINAL FINDINGS AND ORDERS TO THE DIRECTOR OF THE OHIO EPA FOR THE NASH HEIGHTS AREA, AND DECLARING AN EMERGENCY.

Mr. Pelot moved to adopt Ord. #50-2016, seconded by Ms. Whipkey.

Roll Call: Yes: Pelot, Whipkey, McGlone, Tousley
No: Rodgers, Pierson

Motion passed by 4-2 vote; however the emergency clause failed so this ordinance will not take effect for 30 days from the date of Mayor Zita's signature.

ORD #43-2016

Ms. Whipkey offered Ord. #43-2016 for its third reading and asked the Clerk to read it:

Third reading only. Mr. Rodgers moved to adopt, seconded by Mr. Pierson Mr. Rodgers clarified this ordinance is only to fund this expense and Mr. Messner concurred.

Roll Call: Yes: McGlone, Pelot.
No: Rodgers, Pierson, Tousley, Whipkey

Motion failed by 2-4 vote.

ORD #44-2016

Ms. Whipkey offered Ord. #43-2016 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE A PAYMENT TO SETTLE CLAIMS RELATED TO HOLIDAY PAY UNDER SECTION 258.04 OF THE CODIFIED ORDINANCES OF THE CITY.

Mr. Rodgers moved to adopt Ord. #44-2016, seconded by Mr. Pierson.

Roll Call: Yes: Pelot,
No: Rodgers, Pierson McGlone, Tousley, Whipkey

Motion failed by 1-5 vote.

UNFINISHED BUSINESS:

Mr. Rodgers noted we will be talking about the Barberton Sewer agreement at the next work session and Mr. Markey Concurred. Mr. Rodgers indicated that he had asked Mrs. Richards to print out the sections from the JEDD agreement, (see attached). Mr. Markey indicated there is nothing intended to modify the JEDD agreement, it is only to make sure these sections are properly noted. Mr. Pierson stated he understands it was stated in the past that the JEDD cannot be amended and this reference is only to mirror the agreements, and Mr. Markey concurred. Ms. Whipkey asked for Mr. Rodgers to submit his questions or concerns to all of Council so we can all be on the same page for next week's discussion and Mr. Rodgers agreed to do so this week. Mr. Rodgers discussed the comments made last week on the games of skill licenses and has reviewed the legislation and has some questions. Mr. Rodgers asked if he wanted to obtain a license and an occupancy permit, and questioned how one gets this without having a physical building? Mr. Markey stated as he explained last week there may have been an oversight, and the way it should read is that you don't get a license until you can present your occupancy permit, however this does not fix what was done in 2014. It is something that should be cleaned up and believed occupancy within 90 days was suggested or having a building before applying. Mr. Rodgers stated so we issued licenses to a non-existing business, and questioned if there were there fees collected in those years? Mr. Markey there was no physical business and no fees are paid during the application process. Mr. Rodgers stated then those licenses sat in limbo which is where those lost revenue figures come from. Mr. McGlone stated we followed the ordinance and did nothing wrong here. Mr. Rodgers disagreed to that statement, we did do something wrong, we have lost revenue here. We issued a couple of licenses and did not even collect renewal fees on them or the gaming fees we would have gotten. Mr. McGlone stated there was way more to just having the seven (7) in operation because the former Police Chief had concerns at the time with security issued.

Mr. Rodgers stated we did not even have seven (7) back then we only had four (4). Mr. Pelot discussed his proposal that he suggested to Mrs. Richards earlier relating an additional stipulation that once a license is issued to a business they must actively be in operation with 90 days, failure to do so should have a penalty clause (monetarily) or they should have to forfeit their license. Mr. Rodgers totally agreed we need to change the legislation. Mr. Pelot asked how much money comes in from each facility per year? Mr. Messner stated it varies however in the month of June we collected \$104,000.00 for the seven (7) and all seven (7) were in operation. Mr. Messner noted the three (3) that are on the waiting list applied in 2013, and sat in limbo. After this several came in and got added to the waiting list. The three (3) brought in their plans in October of 2014 to the Planning Commission and went through the process and got their approval. They explained the process, built their building and the licenses were issued on December 2, 2015. Mr. Messner stated that there is a process to have their machines inspected and tested. Many of these places already have their own buildings so it's just a matter of bringing in their machines to get them certified by the City. Once that is authorized and they paid the \$1,000.00 fee for the license and they are up and running. Mr. Rodgers explained what happened with the lady and her daughter last week lost the gaming business due to the infamous Barber Road flooding. They ended up purchasing the building thinking they could reopen and spent money getting the building ready. Instead of getting a license when they were ready those licenses were being held by a business that was not even opened yet. This smacks of cronyism. Mr. Markey took offense to those comments, and noted that Mr. Blankenship was the first in line for the proper process to obtain a license, and the other property owners were not as our ordinance did not specify a procedure. Under Mr. Rodgers' scenario, he would pull those applications. Mr. Rodgers argued that they did not have a building and the other part had a building. Mr. Markey stated that the ordinance does not require them to have a building. Mr. Markey stated the other property owners were so far down the line and were not even next in line. Mr. Pierson stated that something smells here, and suggested they make an inquiry with the Summit County Prosecutor or the Attorney General's office. Mr. Pierson stated he wants to have a detailed process how a City employee has the right to determine who gets a license; something is not right. Mr. Markey stated that is an administrative function and he understood the insinuation and smoke cloud you are creating. Legally we have done nothing incorrectly here. Mr. Rodgers told Mr. Markey to please not refer to his statements and objections as a smoke cloud; he did not believe he was the only one that feels this in the City of Norton and probably surrounding Cities. Mr. Rodgers stated that in the face of this it smacks of cronyism and it smacks of something dirty. Mr. Markey asked who's cronyism and Mr. Rodgers answered for him to tell him. Mr. Pelot stated if Mr. Rodgers and Mr. Pierson think something is going on then by all means turn it over to someone else to look over. Ms. Whipkey suggested we keep from opening this up to more discussion and potential lawsuits, let's just amend the legislation so this does not happen again. Ms. Whipkey suggested if we did increase the licenses that we increase them to an even number of ten (10) so no one could say "cronyism" or special treatment for certain individuals. Mr. Pierson asked Mr. Messner what procedures he has in place so that this does not happen again? Mr. Messner explained the procedures he has implemented since he took over. Mr. Messner indicated he has a large book with every application for all seven (7) including their detailed corporation information.

Mr. Messner explained at this point we have six (6) on the waiting list. Mr. Pierson asked when anyone comes in to apply do they get something in writing or a time stamped receipt that they applied? Mr. Pierson stated we need an application with a fee where they get a copy and or receipt that the application was turned in? Mr. Messner stated he first tells them how many are on the waiting list and if they want to be added. Several have declined because of the long wait. Mr. Messner suggested a fee and time stamped document requirement be put in the legislation. When someone comes in he make notes in my records and the current legislation does not permit him to charge a fee. Mr. Pierson asked if they get a receipt and Mr. Messner replied no. Mr. Messner stated that although Mr. Arters' records were not the best, he did have it documented down when the application was filed. He had been in discussions with Mrs. Dawson and Ms. Lutz and as of December 2013, they were number seven on the list. The reason why she does not have her license as there was flooding issues and she was in the hospital is not known to him, but it was also during that period when the State law changed. Mr. Messner indicated that Mr. Arters had told him that he had personally called Ms. Lutz to tell her that her license was expired and she needs to renew before the deadline and although he has heard them say they renewed several times, there is no paperwork to show it. Mr. Pelot asked if we actually get a true license and Mr. Messner replied yes, and since he has taken over he does provide an actual license which he requests to be visibly displayed at their business. Ms. Whipkey asked Mr. Markey to have some legislation drafted to clarify this issue to make sure this does not happen again, and move forward on. Whoever did or did not do something back then, they had an attorney and it did not trickle down to Council as this was an administrative function to deal with the legalities at that time. Now they have come forward and asked us to increase the number of licenses to which we agreed to consider. Ms. Whipkey suggested when someone wants to be put on the list, we need to create a document that is time stamped and both the City and the person applying get copies. Mayor Zita stated he spoke with Chief Dalessandro and that he understood this was to be a subject next week to address this in detail when he could be present. Ms. Whipkey noted this is not on the agenda tonight and the Lutz's and the other businesses would also like to be here when it's discussed. Mr. Rodgers stated his intent from last week was to make these people whole and issue more licenses; let him say that he took offense to Ms. Whipkey's comments that because they had an attorney involved Council could not do anything. Mr. Rodgers stated that Council should have been aware of this in an executive session and Council can act; Council can offer to settle as Ms. Whipkey wants to do with Mr. Ryland. Ms. Whipkey asked Mr. Rodgers if he was looking to open up another lawsuit now and Mr. Rodgers answered Ms. Whipkey was not listening to him that Council should be aware of it when someone is hiring attorneys for dealing with the City. Mr. Pierson wants to see from this point forward a contract and a nominal fee and a paper trail would then be in place. Mr. Messner agreed to this and suggested if they don't pay the nominal fee then we don't accept their application. Mr. Messner stated we now have a paper trail, except for this past instance which was before his time. Mr. Messner caution the current license owners are hearing about this potential change, and will be coming forward to next week's discussion to express their concerns on saturating the market as well as personal input on this specific situation. Mr. Pierson stated he will not sit here next week and listen to their petty BS about their business status.

It's their business and they need to get out there and market it better; our business is to issue licenses fairly and the dollars are collected in a timely manner. He is not interested in whether they are doing great or badly; if they need to market to run efficiently they should, but he would not sit here and listen to their petty back and forth because they are afraid of competition. Competition is healthy and hopes they are listening tonight; honestly, he is not big on tattoo parlors and some of these types of businesses to begin with as he feels it diminishes the entire community. He personally does not feel it is a clean business to begin with. Mr. Rodgers stated that the concerns and of the other businesses is why we need the discussion tonight as to how it happened and we have to make these people whole; it is not to bring about a law suit. Mr. Pelot added that if someone paid a renewal fee they would have a check or receipt. Mr. Markey stated the issue was the property owners thought they filed earlier when we could not produce such records. Mr. Tousley stated he understood the garbage cans were to be picked up today and as of 7:00 PM they were still out there in his ward and wanted to know if they should they remain there for pickup. Mayor Zita stated that he understood J & J/Kimble needed a place to stage all of them for the pickups and we had suggested the old fire station lot and we relayed this to the owner. They were to pick all up sometime tonight via a semi trailer. Once the trash got put out and picked up, the cans would also be picked up and that may not be at the same time. Mayor Zita suggested if their J & J/Kimble can was still out to leave them and over the course of this week they will be picked. Mayor Zita stated he would push the matted to get resolved before the holiday. The new service will begin with Republic next week.

PUBLIC SERVICE ANNOUNCEMENTS:

None

PUBLIC UPDATES:

None

NEW BUSINESS:

At 8:06 PM, Mrs. Whipkey moved to temporarily adjourn the Regular Council Meeting to convene into Executive Session to discuss the following, seconded by Mr. Pelot for the following reasons: A- Conferences with an attorney for the City concerning disputes involving the City that are the subject of pending or imminent court action as defined in (O.R.C. § 121.22) (G) (3) & Section 3.12 of the Norton City Charter; and B. Conferences with an attorney for the City concerning the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest as defined in (O.R.C. § 121.22) (G) (2) & Section 3.12 of the Norton City Charter. Ms. Whipkey invited Mayor Zita, Mr. Messner, and Mr. Markey to attend. Ms. Whipkey noted there would be no legislative action resulting from this meeting and Council would return to adjourn the Regular Council Meeting.

Roll Call: Yeas: Whipkey, Pelot, Rodgers, McGlone, Pierson, Tousley
Nays: None

Motion passed 6-0.

******Note to all attendees-While Council is in Executive Session, the audio and video is recording live and uninterrupted. If you do not want your conversations recorded, please exit the Council chambers.***

At 8:36 PM, Council adjourned from Executive Session and reconvened the Regular Council meeting.

ADJOURN:

There being no other business to come before the Special Council Meeting, the meeting was adjourned at 8:38 PM.

Charlotte Whipkey, President of Council

I, Karla Richards, CMC-Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on July 11, 2016.

Karla Richards, CMC-Clerk of Council

NOTE: THESE MINUTES ARE NOT VERBATIM

****ORIGINAL SIGNED AND APPROVED MINUTES ARE ON FILE WITH THE CLERK OF COUNCIL****

All Council & Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.

Zimbra

karlar@cityofnorton.org

Cemetary

From : Joe Kernan <joekernan@cityofnorton.org>

Sat, Jun 25, 2016 10:54 AM

Subject : Cemetary**To :** Rick Rodgers <rickrodders@cityofnorton.org>, Dennis McGlone <dennismcglone@cityofnorton.org>, Scott Pelot <scottpelot@cityofnorton.org>, Charlotte Whipkey <charlottewhipkey@cityofnorton.org>, Dennis Pierson <dennispierson@cityofnorton.org>, Paul Tousley <paultousley@cityofnorton.org>**Cc :** Karla Richards <karlar@cityofnorton.org>, Markey, Justin <jmarkey@ralaw.com>, Valerie Carr <adminofficer@cityofnorton.org>, Mayor Mike Zita <mayorzita@cityofnorton.org>, Ron Messner <financedirector@cityofnorton.org>

As many of you are aware I will not be at the Council Meeting this coming Monday due to a medical concern with my wife. I felt it only fair to let you all know that I am opposed to the City taking the "donation" of the cemetary. At this time, I believe it will simply be a drain on City resources that we do not need to absorb. Unless someone can show me some concrete way that it will not, in fact, cost us money in the short and long term I would not support it.

Joe

2). Liquid Carbonic Corporation, nka Praxair, Inc.

3). The Wooster Road Joint Economic Development Zone

(b) The Barberton Rate plus seventy-five percent (75%) for customers in the remainder of the Norton sanitary sewer service area.

Section 31: When Norton water usage reaches 205,000 gallons per day on an annualized average daily basis (exclusive of water used by PPG Industries in Norton), Barberton shall charge the Barberton Rate plus fifty percent (50%) for the sanitary sewer service to be provided hereunder for all customers in the Norton sanitary sewer service area.

Section 32: When Norton water usage reaches 250,000 gallons per day on an annualized average daily basis (exclusive of water used by PPG Industries in Norton), or upon the fifth anniversary of the date of this Agreement, whichever occurs first, Barberton shall charge the Barberton Rate plus twenty-two and one-half percent (22.5%) for the sanitary sewer service to be provided hereunder for all customers in the Norton sanitary sewer service area, and shall charge as such for the remainder of the term of this Agreement.

Section 33: Barberton acknowledges that over the potential seventy-five (75) year term of this Agreement the Norton discharge of sanitary sewage may reach 3.0 million gallons per day on an annualized average daily basis (exclusive of sanitary sewage discharged by PPG Industries in Norton). Barberton agrees that it can and will accept up to 560,000 gallons per day of sanitary sewage from Norton on an annualized average daily basis (exclusive of sanitary sewage discharged by PPG Industries in Norton) without capacity-increasing capital improvements to its wastewater treatment facility. When the Norton discharge of sanitary sewage reaches 450,000 gallons per day on an annualized average daily basis (exclusive of sanitary sewage discharged by PPG Industries in Norton), the parties shall mutually cooperate in planning, designing, constructing, and financing, as applicable, capacity-increasing capital improvements to the Barberton wastewater treatment facility which will meet their respective future needs.

- 2). A 12" sanitary sewer in an easement from Barber Road west to the sanitary sewer described in Item No. 1 above.
- 3). An 8" sanitary sewer in Fairland Road serving Liquid Carbonic Corporation, nka Praxair, Inc., from approximately 800 feet south of the Barberton South Corporation Line to the Barberton South Corporation Line.

The parties acknowledge that there are existing sanitary sewers in Norton which are owned and operated by the County of Summit and that it is Norton's intention to obtain control thereof. The parties agree that the terms of this Agreement shall apply to said sanitary sewer systems upon acquisition by Norton and connection to the sanitary sewer system or supplied sanitary sewer service of Barberton if not already so connected.

Section 38: The sanitary sewers and appurtenances constructed, reconstructed, and operated under the terms of this Agreement shall be done so in accordance with the written specifications, standards, practices, rules, and regulations of Barberton. However, no sanitary sewer shall be connected to the sanitary sewer system or supplied sanitary sewer service of Barberton unless the plans therefor were first reviewed and approved by Barberton; the physical installation of the sanitary sewer was, as a minimum, located in a public street or dedicated utility right-of-way; and the sanitary sewer was inspected by Norton or Barberton personnel and approved as conforming to the approved plans. Barberton agrees that plan approval will not be unreasonably withheld. "As built" drawings shall be furnished to Barberton within two (2) months after completion of construction. Barberton shall be reimbursed its costs in the event Barberton personnel inspect the installation of sanitary sewers extended under this Agreement.

Section 39: Norton shall be responsible for payment of or arranging for all sanitary sewer extensions whether Barberton, a developer, or Norton performs the work, and as such, Norton shall become the owner of said sanitary sewers. Norton agrees that Barberton may act as agent for Norton to bill and receive from sanitary sewer users in Norton such charges as may be established from time to time by Norton to provide the funds to pay the debt service on bonds and notes Norton

may issue for such sanitary sewer extensions or other sanitary sewer purposes. Barberton shall remit the charges collected on behalf of Norton within sixty (60) days of receipt thereof.

Section 40: After a sanitary sewer in Norton has been completed and connected to the sanitary sewer system or supplied sanitary sewer service of Barberton, Barberton shall accept applications for sanitary sewer service connections and provide copies of said applications to Norton. Before Barberton issues the sanitary sewer connection permit, the applicant must furnish Barberton a road opening permit from Norton and document any other required permits from Norton and others. Barberton and Norton agree that the restoration of road, pavement, berm, curb, lawnstrip, trees, sidewalk, driveway, utility services, fire hydrants, and other appurtenances or structures are the responsibility of applicant together with securing any and all necessary permits. Norton agrees that all charges and inspection fees related to such service connection installation and all other related work items shall be billed directly by Barberton to the applicants; that Barberton will endeavor to promptly render bills; that all such charges and inspection fees shall be collected directly by Barberton; and that all billings and collections of such charges and inspection fees shall be made in the same manner and at the same time as Barberton now or hereafter may determine to bill and collect from others charged for similar service.

Section 41: The rules and regulations of Barberton relative to the construction, maintenance, and operation of the sanitary sewer system within Norton shall apply and be the same as though said sanitary sewer system was part of Barberton. Norton hereby agrees to enact all necessary legislation, including but not limited to a sewer use ordinance and industrial waste ordinance, to make such rules and regulations effective and further agrees to prosecute all violators. Norton hereby designates Barberton as the authorized agent of Norton to enter the streets of Norton for the purpose of maintaining and operating the sanitary sewer system in Norton as applicable. Streets that have been disrupted due to operation and maintenance of the sanitary sewer system shall be restored to prior condition. Barberton shall endeavor to notify Norton on a weekly basis of excavations in the streets of Norton.

Section 42: For the purpose of accepting sanitary sewage from areas outside of Norton, Barberton, with Norton's permission, which shall not be unreasonably nor arbitrarily withheld, shall have the right to use the public rights-of-way of Norton and any existing or future sanitary sewer system, if any, owned, operated, managed, or controlled by Norton or its designated agent, within Norton on condition that sanitary sewer service within Norton will not be impaired and that Barberton shall pay for any upsizing or oversizing of facilities which may be necessitated as a result.

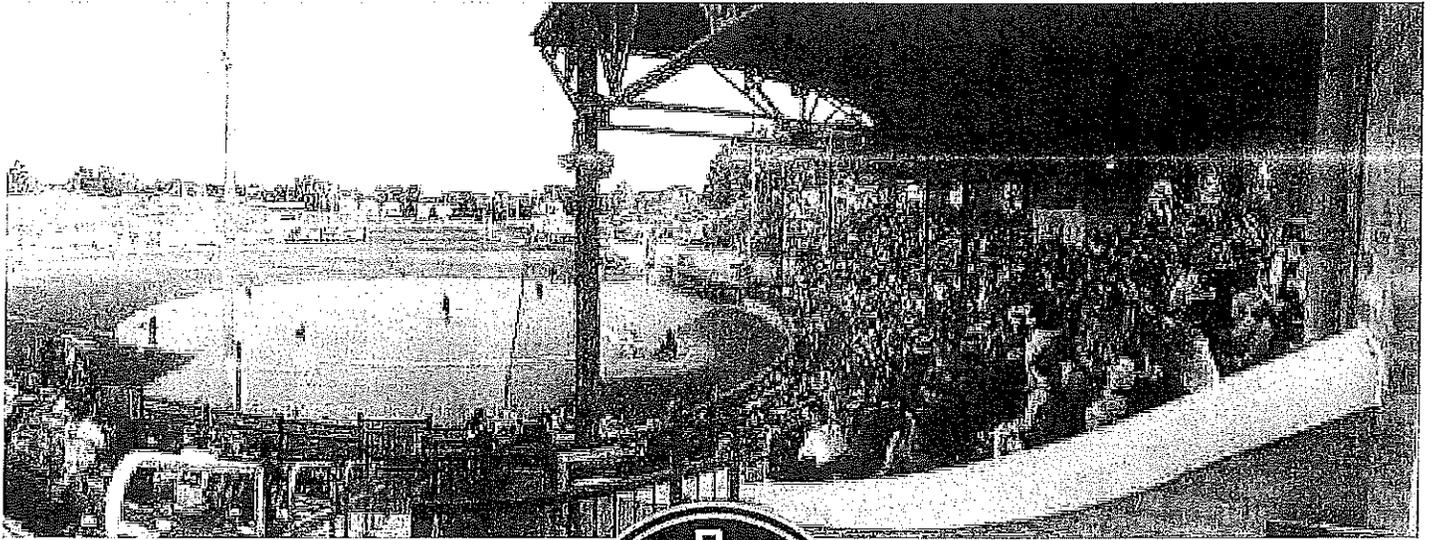
GENERAL

Section 43: Barberton and Norton shall each have the right at all reasonable times to check, audit, and inspect the books and records of the other to determine if the terms of this Agreement are being met.

Section 44: In the event a dispute arises out of the application of this Agreement, non-binding arbitration may be used if both parties agree, in which event the rules of the American Arbitration Association shall apply.

Section 45: The parties agree to use their best efforts to cure any defects raised by a court of competent jurisdiction with respect to any provision contained in this Agreement.

Section 46: Except as otherwise provided herein, the aforementioned Consolidation Agreement for Joint Economic Development Zones dated April 30, 1996 and the aforementioned agreement dated April 30, 1996 which modified the terms and conditions of the aforementioned Consolidation Agreement with respect to the Wooster Road Joint Economic Development Zone, as both are modified and amended hereby, shall supersede all other joint economic development, water service, and sanitary sewer service agreements between the parties, and as such, said other agreements shall become null and void on the effective date hereof.



Norton Community Night
Promo Code: NORTON
June 28, 2016
7:05pm
Gates open at 6pm

Norton Mayor Mike Zita will throw out a first pitch!

For every \$7 ticket purchased
50% goes to the Norton Cider Festival Fireworks

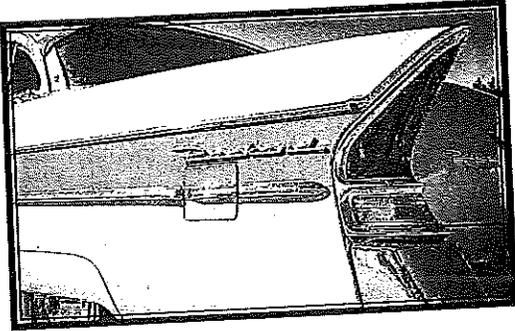
Order tickets via phone, online, or at the ticket windows.

FIRESTONE STADIUM | 1575 FIRESTONE PKWY

PHONE: 330.376.8188

[WWW.AKRONRACERS.ORG](http://www.akronracers.org)

City of Norton 6th Annual Classic Car Show



FEATURING

- DASH PLAQUES for the first 100 cars
- Music by DJ Glenn Sonoda!
- Great Food from SASSY DOG!
- ICE CREAM and PIES
from Friends of the Library
- Car Smash to benefit the
Norton Grand Squares

Sponsored
in part by:



Thursday

JULY 7th 6:00-8:00p

(raindate July 14th)

Check-in: 5:00p

Columbia Woods Park in Norton
4060 Columbia Woods Dr.

**Great Music!
No Entry Fee!
Beautiful Park Setting!**

NORTON BICENTENNIAL 2018

Seeking interested volunteers to form committees for planning celebrations of Norton's Bicentennial year in 2018.

I AM INTERESTED IN:

<input type="checkbox"/>	PUBLICITY
<input type="checkbox"/>	EVENTS
<input type="checkbox"/>	FUNDRAISING
<input type="checkbox"/>	_____
	OTHER OR SPECIAL SKILL

NAME: _____

ADDRESS: _____

PHONE #: _____

E-MAIL: _____

Please complete and return to:
Norton Bicentennial
4060 Columbia Woods Dr
Norton OH 44203

