

City of
NORTON
NORTON CITY COUNCIL
REGULAR COUNCIL MEETING

Monday, January 5, 2026
(Immediately following the 6:30 p.m. Organizational Meeting)

AGENDA

CALL TO ORDER, PLEDGE OF ALLEGIANCE, INVOCATION

ROLL CALL

COMMUNICATIONS FROM THE PUBLIC

COMMITTEE WORK SESSION

Financial Reports (President _____)

Finance (Harbert, Mowery Tousley) - Fire Levy (Renewal) May 5, 2026 – p. 3

Personnel & Rules (Lukens, Lee, Harbert) - Zoning Administrator – p. 9

Planning & Economic Development (DeHarpart, Eader, Lukens) – Adult-Use Cannabis Business Moratorium Extension – p. 13

Service (Tousley, DeHarpart, Eader) – SR 261 Resurfacing – p. 15

MATTERS REFERRED – p. 27

CONSIDERATION OF MINUTES

Minutes of Regular Council Meeting of December 15, 2025 – p. 29

REPORTS FROM MAYOR AND OFFICERS

INTRODUCTION OF NEW LEGISLATION

Res. No. 1-2026 **First Reading:** A resolution determining to proceed with the submission of the question of the renewal of a tax levy in excess of the ten-mill limitation for the purpose of providing and maintaining fire apparatus, appliances, buildings and sites therefor, sources of water supply and materials therefor, the payment of permanent, part-time or volunteer firefighting, emergency medical service, administrative and communications personnel to operate the same, including the payment of any employer contributions required for such personnel under Section 145.48 or 742.34 of the Revised Code, and the provision of ambulance, paramedic and other emergency medical services operated by the Fire Department pursuant to section 5705.19(i) of the Revised Code, and declaring an emergency. p. 37 (Finance – Harbert)

Ord. No. 2-2026 **First Reading:** An ordinance adopting an amended job description and duties for the Zoning Administrator and salary schedule for such position; and declaring

an emergency. p. 41 (Personnel & Rules – Lukens)

Ord. No. 3-2026 First Reading: An ordinance adopting a moratorium on applications for, and the granting of, zoning certificates for any building, structure, use or change of use that would enable the cultivation, processing, distribution or sale of adult use cannabis for a period not to exceed six months in order to allow the city to review applicable state and local laws, to plan for regulations relating to such uses; and declaring an emergency. p.43 (Planning & Economic Development – DeHarpart).

Ord. No. 4-2026 First Reading: An agreement with the Ohio Department of Transportation regarding the project designated as PID 113037 (SR 261 Resurfacing); and declaring an emergency. p. 45 (Service – Tousley)

INTRODUCTION OF PRIOR LEGISLATION

Ord. No. 119-2025 Second Reading: An ordinance authorizing the Administrative Officer to execute an amendment to an agreement with Norton Energy Storage LLC; and declaring an emergency. p.49 (Property-Mines – Lee).

TOPICS FOR NEXT MEETING – Tuesday, January 20, 2026

NON-AGENDA ITEMS

ADJOURN

****NOTE: During a meeting, a live video stream can be accessed by going to www.cityofnorton.org and clicking on the icon Broadcast Norton for instructions**

Sponsored by: Administration
Referred to: Committee Work Session
Introduced by: Finance Chair Harbert

CITY OF NORTON
RESOLUTION NO. ____-2026

A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION OF THE QUESTION OF THE RENEWAL OF A TAX LEVY IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES, BUILDINGS AND SITES THEREFOR, SOURCES OF WATER SUPPLY AND MATERIALS THEREFOR, THE PAYMENT OF PERMANENT, PART-TIME OR VOLUNTEER FIREFIGHTING, EMERGENCY MEDICAL SERVICE, ADMINISTRATIVE AND COMMUNICATIONS PERSONNEL TO OPERATE THE SAME, INCLUDING THE PAYMENT OF ANY EMPLOYER CONTRIBUTIONS REQUIRED FOR SUCH PERSONNEL UNDER SECTION 145.48 OR 742.34 OF THE REVISED CODE, AND THE PROVISION OF AMBULANCE, PARAMEDIC AND OTHER EMERGENCY MEDICAL SERVICES OPERATED BY THE FIRE DEPARTMENT PURSUANT TO SECTION 5705.19(I) OF THE REVISED CODE, AND DECLARING AN EMERGENCY

WHEREAS, on December 15, 2025, this Council passed Resolution No. 120-2025 (the "Resolution of Necessity") declaring it necessary to submit to the electors of the entire territory of the City the question of the renewal of an existing tax in excess of the ten-mill limitation, as described below, a copy of which Resolution of Necessity was certified to the Summit County Fiscal Officer

WHEREAS, the Summit County Fiscal Officer has certified to the City (i) that the total current tax valuation of the City is \$392,778,980, including Summit and Wayne County values, and (ii) the dollar amount of revenue that would be generated by the levy in the amount of 5.6 mills for each \$1 of taxable value, which amounts to \$152 for each \$100,000 of the County Fiscal Officer's appraised value.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Norton, Ohio, two-thirds of all members elected thereto concurring, that:

Section 1. This Council hereby determines to proceed with the submission to the electors of the entire territory of the City at an election to be held on May 5, 2026 the question of the renewal of an existing 5.6-mill ad valorem property tax outside of the ten-mill limitation for the purpose of providing and maintaining fire apparatus, appliances, buildings and sites therefor, sources of water supply and materials therefor, the payment of permanent, part-time or volunteer firefighting, emergency medical service, administrative and communications personnel to operate the same, including the payment of any employer contributions required for such personnel under Section 145.48 or 742.34 of the Revised Code, and the provision of ambulance, paramedic and other

emergency medical services operated by the fire department for five years (commencing with a levy on the tax list and duplicate for the year 2026 to be first distributed to the City in calendar year 2027).

Section 2. The Clerk of Council is hereby authorized and directed to certify to the Board of Elections copies of this Resolution, the Resolution of Necessity and certification of the County Fiscal Officer referred to in the recitals hereto on or before February 6, 2026. This Council hereby requests that the Board of Elections prepare ballot forms and make other necessary arrangements for the submission of this question to the electors of the entire territory of the City, all in accordance with the law.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with the law.

Section 4. This Resolution is declared to be an emergency measure necessary to provide for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Norton, and for the further reason that this Resolution is required to be immediately effective in order to timely place the issue described herein on the ballot at the May 5, 2026 election, which is urgently necessary to provide for funding the provision of fire and emergency medical services for the City of Norton described in Section 1 hereof; wherefore, provided it receives the affirmative vote of two-thirds (2/3) of all members elected to Council, this Resolution shall take effect and be in force immediately upon its adoption and approval by the Mayor.

Emergency Vote: YEAS: _____ NAYS: _____

ADOPTED _____, 2026 _____, President of Council

ATTEST: _____
Kerry Macomber, Clerk of Council

Mike Zita, Mayor

Date Filed with the Mayor: _____

I, Kerry Macomber, Clerk of Council for the City of Norton, Summit & Wayne Counties, Ohio, do hereby certify the foregoing **Resolution No. 000-2026** was duly and regularly adopted by the Council of the City of Norton, Summit and Wayne Counties, Ohio, at a meeting held on _____, 2026.

That this legislation was posted according to law on _____, 2026 and will become effective on _____, 2026.

Kerry Macomber, Clerk of Council

Approved as to legal form by Justin P. Markey, Solicitor, City of Norton, on January 2, 2026.

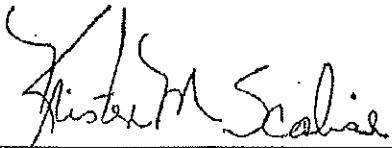
DTE Form 140R
Revised 04/25
O.R.C.5705.03(B)

Certificate of Estimated Property Tax Revenue

(Use this form when a taxing authority certifies a millage rate
and requests the revenue produced by that rate.)

The County Fiscal Officer of Summit County, Ohio, does hereby certify the following:

1. On December 19, 2025, the taxing authority of City of Norton certified a copy of its 120-2025, adopted December 15, 2025, requesting the County Fiscal Officer to certify the current tax valuation of the subdivision and the amount of revenue that would be produced by 5.6 mills, to levy a tax outside the ten-mill limitation for Fire/EMS Purposes pursuant to Revised Code 5705.19(I), to be placed on the ballot at the May 6, 2026, election. The levy type is Renewal.
2. The estimated property tax revenue that will be produced by the stated millage, assuming the tax valuation of the subdivision remains constant throughout the life of the levy, is calculated to be \$1,757,885.
3. The total tax valuation of the subdivision used in calculating the estimated property tax revenue is \$392,778,980 including Summit and Portage Counties values.
4. The millage for the requested levy is 5.6 mills per \$1 of taxable value, which amounts to \$152 for each \$100,000 of the county fiscal officer's market value.


Kristen M. Scalise

Kristen M. Scalise CPA, CFE
Fiscal Officer, County of Summit

December 31, 2025

Date

Prepared by: Jaret Adams

DTE Form 140R- W2
O.R.C. §5705.03(B)
Revised 4/25

Entity Name: City of Norton
Resolution No. 120-2025
O.R.C. § 5705.19(I)
Levy Type: Renewal
Purpose: Fire/EMS
Eligible for state credits: No
Terms: 5
Date of Estimate: 31-Dec-25

**Worksheet to Calculate Revenue for DTE Form 140R
When a Taxing Authority Certifies a Rate and Requests the Revenue
Produced by that Rate for Renewal Levies.**

Calculation of Revenue Estimate

	<u>Tax Value</u>	<u>Pending Exemption</u>	<u>Value used for Rate Setting</u>	<u>Millage Rate</u>	<u>Revenue</u>
1. Class I Real - Res/Ag					
Summit County Value	\$ 325,284,240	-	464,310 =	324,819,930 X 4.356048 /1000=	\$ 1,415,126
Wayne County Value	\$ 251,390	-	=	251,390 X 4.356648 /1000=	\$ 1,095
2. Class II Real - Other					
Summit County Value	\$ 52,893,880	-	- =	52,893,880 X 4.891040 /1000=	\$ 258,708
Wayne County Value	\$ -	-	=	0 X 4.891040 /1000=	\$ 0
3. Public Utility Personal					
Summit County Value	\$ 14,813,780	-	- =	14,813,780 X 5.600000 /1000=	\$ 82,957
Wayne County Value	\$ -	-	=	0 X 5.600000 /1000=	\$ 0
4. General Personal	\$ -	-	- =	0 X - /1000=	\$ -
Summit & Wayne Counties					
Combined Taxable Value	\$ 393,243,290	-	464,310 =	392,778,980	
5. Personal Property Phase-out Reimbursement Payment					\$ -
6. Total Revenue					\$ 1,757,885

To be placed on the Ballot at the May 5, 2025 Election.

To be first levied Tax Year 2026/2027 Collection Year

Cost estimate to a Homeowner of a \$100,000 Home

Market Value	Taxable Value	Cost Per Year
100,000	35,000	\$152

*Renewal levies qualify for the State of Ohio Non-business and Owner Occupied credits.

SPONSORED BY: Administration
INTRODUCED BY: _____
REFERRED TO: _____

CITY OF NORTON

ORDINANCE NO. 2026

AN ORDINANCE ADOPTING AN AMENDED JOB DESCRIPTION AND DUTIES FOR THE ZONING ADMINISTRATOR AND SALARY SCHEDULE FOR SUCH POSITION, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has determined to adopt an amended job description and duties and annual salary rate for the position of the Zoning Administrator as a classified, non-bargaining unit of the City.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Norton, Counties of Summit and Wayne, State of Ohio:

Section 1. This Council hereby adopts the job description for and duties of the Zoning Administrator in the form attached hereto as Exhibit A.

Section 2. This Council hereby adopts the following unclassified, non-bargaining unit employee salary rate and wage for the position of Zoning Administrator:

<u>Position</u>	<u>2026 Salary Rate</u>
Zoning Administrator	\$87,000 - \$97,000

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation for the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective to timely provide for the financial affairs of the City; wherefore this ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Emergency Vote: _____ Yeas _____ Nays

Date passed: _____

_____, President of Council

Date submitted to the Mayor _____

Attest:

Kerry Macomber, Clerk of Council

Mike Zita, Mayor

Date approved by the Mayor _____

I, Kerry Macomber, Clerk of Council for the City of Norton, Summit and Wayne Counties, Ohio do hereby certify that the foregoing **Ord. #** ____-2026 was duly and regularly passed by the Council of the City of Norton, Summit and Wayne Counties, Ohio at a meeting held on _____, 2026.

That this legislation was posted according to law on _____, 2026 and will become effective on _____, 2026.

Kerry Macomber, Clerk of Council

Prepared and approved as to legal form by Justin P. Markey, Solicitor for the City of Norton, Ohio, on December 17, 2025.

CITY OF NORTON

POSITION DESCRIPTION

ZONING ADMINISTRATOR**CLASSIFIED – EXEMPT**

The Mayor appoints the Zoning Administrator and the appointment must be confirmed by a majority of the members of Council. The Zoning Administrator will report to the Administrative Officer and/or designee and will include a wide variety of planning and zoning initiatives, ranging from day-to-day operations to long term strategic planning projects. This position is responsible for the oversight of management of inspection operations and enforcement of the zoning code in the field and within the office. The Administrator works independently to ensure the conformance and compliance of all structural safety regulations and requirements. These duties are fulfilled by utilizing a comprehensive knowledge of the codified ordinance and applicable laws as they pertain to the City of Norton. The Administrator has the ability to work with the public exercising technical judgement based on familiarity with a broad range of construction and zoning regulations.

ESSENTIAL DUTIES AND RESPONSIBILITIES – The Zoning Administrator holds an integral role and performs diverse, complex assignments requiring extensive communication and coordination with various city departments and other local or regional jurisdictions and agencies. To optimize the effectiveness of the city's land use, infrastructure, growth and development, the following duties are considered essential for this job classification;

- Review all applications for zoning permits and determines compliance with Zoning Ordinance requirements. Upon review, the Administrator is responsible for issuing necessary permits and/or denying application. Should denial occur, it is the Administrator's responsibility to inform the applicant of the appeals process.
- Must be familiar with and understand the storm water phases and riparian setback requirements within City Ordinances.
- Maintain the City's data base for all zoning permits.
- Meets with architects and construction engineers and provides code and ordinance interpretation.
- Provides information and assistance to developers, the business community and the public on planning and development related matters.
- Reviews newly proposed subdivisions for specific building/zoning issues related to future construction.
- Review variance requests dealing with building/zoning matters with the Planning Commission and the Board of Zoning Appeals.
- Prepares memorandums to the Planning Commission and Board of Zoning Appeals as it related to items considered for passage.
- Attend the meetings of the Planning Commission and Building and Zoning Appeals Board and prepare written and verbal presentations on the established agenda topics or discussions related to the same.
- Interpret and enforce all provisions of the City of Norton's Zoning Ordinances.
- Will serve as the City's code enforcement officer as deals with property maintenance.
- Follow-up on resident's complaints concerning zoning violations.
- Make field inspections of properties to assure compliance with applicable codes and regulations of the City, County, State and Federal agencies.
- Prepares information, gathers files and forwards to Solicitor or prosecutor for possible legal action in reference to specific zoning code violations.
- Testifies in court cases involving code violations.
- Maintains the official copy of the Zoning Map which includes recording amendments as required.
- Maintain the City's Code Enforcement Management System.
- Works closely with the other departments on mutual problems associated with code and ordinance compliance.
- Assures that appropriate and proper interpretations are developed relative to City codes and ordinances.
- Advises various councils, boards, commissions and elected officials in planning-related issues.
- Performs other projects/tasks as assigned and may be required to perform unspecified work as deemed necessary and proper by the Administrative Officer and/or designee.
- Conduct research, analyze alternative courses of action and devise plans and strategies to address a variety of short and long-term planning and zoning related issues.
- Interpret codes for difficult or unusual possible revisions for conformance to current residential building/zoning codes
- Coordinate inspections and compliance activities with other City departments.
- Reviews and distributes residential building/zoning information on new or existing proposed additions with homeowners and/or contractors and architects.

CITY OF NORTON

POSITION DESCRIPTION

REQUIREMENTS – The ideal candidate should possess: a valid International Code Council (ICC) Residential Combination Inspector and Property Maintenance and Housing Inspector Certificates within six months after date of employment, considerable knowledge of specific zoning ordinance codes; superior knowledge of the geography of the city; the ability to take photographs and preserve evidence; thorough knowledge of urban planning and development and local government policies and procedures; comprehensive knowledge of specializations such as housing, zoning, historic preservation, and economic development; ability to prepare written reports and correspondence, and maintain accurate records; administers written correspondence; communicate orally for problem solving during construction and review construction plans for code compliance, zoning ordinances, other City environmental codes and energy regulations; the ability to read and interpret specifications and building codes; the ability to make arithmetical computations rapidly and accurately; the ability to apply City codes and policies regarding zoning, environmental matters and other regulations to field situations; the ability to maintain cooperative working relations with builders; a thorough knowledge of pertinent federal, state and local laws; knowledge of local government procedure and practices; and the ability to work independently without supervision and enforce necessary regulations with firmness and tact.

The Zoning Administrator should possess a Degree from an accredited college or university and/or an equivalent combination of education, training and experience which provides the requisite knowledge skills and abilities for this job. This should include at least five or more years of experience in related fields. An Ohio Peace Officer Training Academy Certificate is desired. A valid Ohio Class D Driver's License is required and the ability to be insured by the city for the use of a personal or city vehicle while conducting City business. Must be physically capable of operating a vehicle in a safe manner. The physical demands to successfully perform the essential job functions are as follows; frequently required to stand, walk, use hands to handle or feel, reach with hands and arms; and be able to lift up to 20 lbs. when necessary; occasionally stoop, bend, kneel, crouch, reach, and twist; lift, carry, push, and/or pull light to moderate amounts of weight. Must participate in continuing education courses in related fields of work for a Zoning Administrator.

** Probationary period for newly hired employees is six months. Physical, polygraph, psychological and other examinations may be required prior to appointment.

SPONSORED BY: Administration
REFERRED TO: Committee Work Session
INTRODUCED BY: Plng & Econ Dev Chair DeHarpert

**CITY OF NORTON
ORDINANCE NO. -2026**

AN ORDINANCE ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF, ZONING CERTIFICATES FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF ADULT USE CANNABIS FOR A PERIOD NOT TO EXCEED SIX MONTHS IN ORDER TO ALLOW THE CITY TO REVIEW APPLICABLE STATE AND LOCAL LAWS, TO PLAN FOR REGULATIONS RELATING TO SUCH USES; AND DECLARING AN EMERGENCY.

WHEREAS, on November 7, 2023, Ohio voters passed Issue 2 to enact Chapter 3780 of the Revised Code effective December 7, 2023, which legalized and provided for the regulation of “adult use cannabis” as defined in Section 3780.01 of the Revised Code, including cultivation, processing, sale, purchase, possession, and home growth; and

WHEREAS, Section 3780.25 of the Revised Code gives this Council the authority to adopt an ordinance to prohibit, or limit the number of adult use cannabis operators licensed under Chapter 3780 of the Revised Code within the City; and

WHEREAS, pursuant to the City Charter, as well as the Ohio Constitution, this Council also has the inherent power to enact planning, zoning and business regulations and laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting or prohibiting certain business uses; and

WHEREAS, this Council previously established a moratorium on the acceptance of any application for, or the granting of, any zoning certificate for any building, structure, use, expansion of use, or change of use that would enable the cultivation, processing, distribution or sale of adult use cannabis in the City for a period of six months, which moratorium is set to expire; and

WHEREAS, this Council has determined that additional time is needed to review the applicable sections of the Codified Ordinances of the City and the Ohio Revised Code to plan for and formulate a response to Chapter 3780 of the Revised Code and has determined to impose an additional moratorium as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Norton, Counties of Summit and Wayne, State of Ohio, that:

Section 1. This Council hereby establishes a moratorium on the acceptance of any application for, or the granting of, any zoning certificate for any building, structure, use, expansion of use, or change of use that would enable the cultivation, processing, distribution or sale of adult use cannabis in the City for a period of six months from the date of adoption of this Ordinance.

Section 2. No existing business in the City of Norton may expand in any way that would establish the cultivation, processing, distribution or sale of adult use cannabis for the duration of the moratorium period established hereby.

Section 3. All formal actions of this Council related to this Ordinance and all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation for the public peace, health and safety of the City and the inhabitants thereof for the reason that this action is necessary to enable the City to fully study the impacts of Chapter 3780 of the Revised Code and its effects on the City and the health, safety and welfare of its inhabitants, and provided it receives approval of two-thirds of the members of Council, shall be in full force and effect from and after its approval by the Mayor, or otherwise take effect and be in force from and after the earliest period provided by law.

Emergency Vote: _____ Yeas _____ Nays

Date passed: _____, President of Council

Date submitted to the Mayor _____

Attest: _____
Kerry Macomber, Clerk of Council

Mike Zita, Mayor

Date approved by the Mayor _____

I, Kerry Macomber, Clerk of Council for the City of Norton, Summit and Wayne Counties, Ohio do hereby certify that the foregoing **Ordinance No. ____-2026** was duly and regularly passed by the Council of the City of Norton, Summit and Wayne Counties, Ohio at a meeting held on _____, 2026.

That this legislation was posted according to law on _____, 2026 and will become effective on _____, 2026.

Kerry Macomber, Clerk of Council

Prepared and approved as to legal form by Justin P. Markey, Solicitor, City of Norton, January 2, 2026.

SPONSORED BY Administration
REFERRED TO: Committee Work Session
INTRODUCED BY: Service Chair Tousley

CITY OF NORTON
ORDINANCE NO. ____-2026

AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION
REGARDING THE PROJECT DESIGNATED AS PID 113037 (SR 261
RESURFACING); AND DECLARING AN EMERGENCY.

WHEREAS, on the 21st day of July 2025, the City of Norton, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", enacted legislation proposing cooperation with the Director of Transportation in the described project:

Resurfacing improvements to Wadsworth Road (SR 261) from South Medina Line Road to Cleveland Massillon Road and Silver Springs Drive to Collier Road, including partial depth pavement repair, pavement planing, asphalt concrete surfacing, curb, ADA curb ramps, guardrail upgrades and pavement markings, lying within the City of Norton; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of Five Hundred Twenty-Seven Thousand Eight Hundred Thirty-Four Dollars (\$527,834.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above-described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, the LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Norton, Summit and Wayne Counties, State of Ohio, that:

Section 1. That the estimated sum of Five Hundred Twenty-Seven Thousand Eight Hundred Thirty-Four and 00/100 Dollars (\$527,834.00) is hereby appropriated for the improvement described above and the Finance Director is hereby authorized and

directed to issue an order for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

Section 2. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

Section 3. That the LPA enter into a contract with the State, and that the Mayor be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

Section 4. That the LPA transmit to the Director of Transportation a fully executed copy of this Ordinance.

Section 5. All formal actions of this Council related to this Ordinance and all deliberations of the Council and of any of its Committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance is an emergency measure necessary for the preservation of the public peace, health, safety, convenience, and welfare of the City of Norton and the inhabitants thereof, and to permit the timely completion of the project to enhance vehicular traffic and safety in the City, and provided it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after its passage and approval by the Mayor, or otherwise take effect and be in full force from and after the earliest period allowed by law.

Emergency Vote: _____ Yeas _____ Nays

Date passed: _____, President of Council

Date submitted to the Mayor _____

Attest: _____
Kerry Macomber, Clerk of Council

Mike Zita, Mayor
Date approved by the Mayor _____

I, Kerry Macomber, Clerk of Council for the City of Norton, Summit and Wayne Counties, Ohio do hereby certify that the foregoing **Ordinance No. ____-2026** was duly and regularly passed by the Council of the City of Norton, Summit and Wayne Counties, Ohio at a meeting held on _____, 2026.

That this legislation was posted according to law on _____, 2026 and will become effective on _____, 2026.

Kerry Macomber, Clerk of Council

Prepared and approved as to legal form by Justin P. Markey, Solicitor for the City of Norton, Ohio, on December 29, 2025.

PID No. 113037

FISCAL OFFICER'S CERTIFICATE
(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: **\$527,834.00** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of **S.R. 261 - 0.00/Various**, lying within the corporate limits of the City of **Norton**, more particularly described as follows:

The project consists of resurfacing improvements to Wadsworth Road (S.R. 261) from South Medina Line Road to Cleveland Massillon Road and Silver Springs Drive to Collier Road, including partial depth pavement repair, pavement planing, asphalt concrete surfacing, curb, ADA curb ramps, guardrail upgrades and pavement markings, lying within the City of Norton; and

has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the legislative authority of the City of **Norton**, Ohio, after said legislative authority passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said legislative authority, namely:

Legislative Authority's Journal, Volume _____, at Page _____.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this _____ day of _____, 20____.

(Fiscal Officer's Seal)
(If Applicable)

Fiscal Officer of the City of
Norton, Ohio

C O N T R A C T
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **Norton**, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the STATE; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of resurfacing improvements to Wadsworth Road (S.R. 261) from South Medina Line Road to Cleveland Massillon Road and Silver Springs Drive to Collier Road, including partial depth pavement repair, pavement planing, asphalt concrete surfacing, curb, ADA curb ramps, guardrail upgrades and pavement markings, lying within the City of Norton.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the STATE.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **Five Hundred Twenty-Seven Thousand Eight Hundred Thirty-Four and - - - 00/100 Dollars, (\$527,834.00)**.
5. **The LPA agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the LPA limits, less the amount of Federal-Aid funds set aside by the STATE for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the STATE and Federal Highway Administration.

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7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;

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- B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto;
- C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
- D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the STATE.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

**City of Norton
4060 Columbia Woods Drive
Norton, Ohio
44203**

**Ohio Department of Transportation
Office of Contract Sales & Estimating
1980 West Broad Street, MS 4110
Columbus, Ohio 43223**

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.

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2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.
3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The STATE may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.

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6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL

(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

Director of Transportation

**LOCAL PUBLIC AGENCY
City of Norton**

Mayor

Date

Approved:
Dave Yost
Attorney General of Ohio

By: _____
Corinna Efkeman
Unit Coordinator, Transportation
Executive Agencies Section



NORTON CITY COUNCIL
MATTERS REFERRED/PENDING
MONDAY, JANUARY 5, 2026

COMMITTEE	DATE	TOPIC	ACTION
<u>Econ Dev & Plng</u>	7/7/25	Adult Use Cannabis Moratorium	Referred to Planning Commission.
	7/21/25	Ord. No. 70-2025 passed a six-month extension while Planning Commission and Administration review.	
	1/5/26	Extension of six-month moratorium proposed.	
	9/2/25	Comprehensive Plan Update	OHM Advisors presentation
	10/6/25		Ord. No. 109-2025 introduced
	11/3/25		
	12/1/15	Ord. No. 109-2025 adopted.	

Finance

<u>Personnel – Rules</u>	11/17/26	Resident request that a video be developed to explain the flow of procedures for the Planning Commission, Board of Zoning Appeals and Council as it pertains to proposed projects in the City.	Administration to take into consideration.
<u>Property</u>	7/21/25	Veterans Memorial Signage on SR 76, Columbia Woods Entrance, etc.	Mr. Markey contacting ODOT to find out the process for SR 76 signage.

Safety**Service****Utilities**

City of
NORTON

NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
Monday, December 15, 2025 at 7:00 PM

The Regular Council Meeting convened on Monday, December 15, 2025 at 7:00 p.m. by Doug DeHarpart, President of Council. All recited the Pledge of Allegiance and Mr. DeHarpart offered the invocation.

Roll Call: Jamie Lukens (excused)
 Paul Tousley
 Paul Eader
 Judith Lynn Lee
 William Mowery
 Don Harbert
 Doug DeHarpart

Also Present:
 Mayor Zita
 Pamela Keener
 Justin Markey
 Abby Burke
 Kerry Macomber

COMMUNICATIONS FROM THE PUBLIC - None

COMMITTEE WORK SESSION

November Financial Reports – President DeHarpart acknowledged the receipt of the November 2025 Financial Reports.

Personnel & Rules

Amend the City of Norton Policies and Procedure Manual – Ms. Lee explained this is the latest version of the Policies and Procedures Manual. Mr. Harbert further explained that this includes the longevity schedule for non-bargaining personnel and also a cell phone reimbursement policy. Mr. Markey said these items were included in Chapter 258, but were inadvertently omitted from the new Personnel Policies and Procedure Manual. Ms. Lee moved to add Ord. No. 118-2025 to tonight's Agenda, with the intent to waive readings; seconded by Mr. Harbert.

Roll Call: Yes: Lee, Harbert
 No: None

Motion passed unanimously.

Volunteer Fire Dependents' Fund – Ms. Lee explained that Mr. Tousley and Mr. Harbert have agreed to serve. Mr. DeHarpart noted that Mr. Harbert and Mr. Lukens served last year and thanked them for their service. Ms. Lee made a motion to appoint Mr. Harbert and Mr. Tousley to serve on the Volunteer Fire Dependents' Fund for 2026; seconded by Mr. Harbert.

Roll Call: Yes: Lee, Harbert
 No: None

Motion passed unanimously.

Planning & Economic Development– Mr. DeHarpert explained this amendment to NES Agreement will extend it for one year. Mr. Markey explained this will give them another year to determine what can be done with the surface area. The Administration is concerned that if the property is transferred to the City, they may not be able to insure the mine and they are not aware of the conditions of the mine. Ms. Keener said that a note would be issued in order to pay for the surface land and she would prefer that not happen. Mr. DeHarpert questioned if the City should hire a consulting firm to answer some of these questions acknowledging that it would be expensive. Mr. Markey said they would need permission from NES before entering their property to do any investigations. Mr. Tousley asked if the contract specifies the mine would transfer to the City for \$1. Mr. Markey answered affirmatively and stated that it makes sense to acquire the surface property if the mine is transferred to the City. Mr. Tousley expressed an interest in the City owning the mine in order to protect the residents because this uncertainty has been going on for over 20 years. He is also concerned with the Third Amendment to Agreement because under the fourth Whereas clause it states NES is not willing to assume any liability or be named in any enforcement actions, or investigations relating to the Surface Fee Property or the Mine. Mr. Markey said that NES does have responsibility for the Mine, but they asked that this clause be added to ensure the City was not extending the agreement because of known problems. He reiterated that the City is not aware of any conditions or investigations happening in the mine. NES requested this clause be added to the agreement. Mr. Tousley asked what the problem is with Norton owning the mine. Mr. Markey explained because Ms. Keener has not been able to receive insurance quotes due to the unknown conditions of the mine and the city may have to obtain specialty insurance. Mr. Tousley said that in the original Agreement Section 11.3 says that NES cannot store anything but air or condensed air in the mine. Mr. Markey said the new cooperative agreement included storage of CO2, but it never came to Council. Mr. Tousley clarified the new agreement would supersede the previous. Mr. Markey concurred. Mr. Tousley asked if the extension would be subject to the moratorium. Mr. Markey explained that once the deadline for the preliminary site plan expires, it will be subject to the moratorium (Planning Commission approved the preliminary site plan on July 22, 2025 by PC Resolution SPR 9-2025.) Mr. Tousley said he couldn't support this because they have had 25 years to figure this out and now, it is right before Christmas and the residents do not know this is happening. Mr. Markey said he has tried to raise this issue might be coming and to give forewarning this would be quick. Ms. Lee said if the City purchases the mine, how could we be sure it is safe and keep people from going in there. Mr. Markey said the mine is sealed, but they are more concerned because they don't know if there was any chemical storage in the mine or the condition of the mine shaft. Mr. DeHarpert said it may be in the best interest of the residents for the City to spend some money to investigate the conditions. Mr. Markey said if we could get permission, it would be. Mr. Tousley said that we have to foresee the possibilities and he questioned that without Norton controlling it, how could we keep the city safe. Mr. DeHarpert asked if we could do a six-month extension and try to find someone to investigate the mine. Mr. Harbert noted that the deadline is December 31, 2025 and that Mr. Markey is going to have to communicate with them to change to a six-month extension. Mr. Markey clarified that it is an agreement and as long as the parties agree, it can be changed. Mr. Mowery said that he went down there and it looked like an abandoned city with equipment, desktops, etc. He said that he appreciates the work and research that Mr. Tousley has done. Mr. Tousley reiterated his concern over the language in the amended agreement that says in the future, NES will not take responsibility for liabilities. Mr. Markey clarified these are recitals and are not part of the agreement. He opined NES is the

property owner and has the responsibility. NES is indicating that they are not aware of any conditions. Mr. Harbert said a benefit to the City is that it won't have to take out a note for \$1.2 million. Mr. Markey clarified that is for the surface property; the mine is \$1 and would be a deed transfer. Mr. DeHarpert asked Mr. Markey to follow up with NES to determine what their current insurance covers. Mr. DeHarpert moved to add Ord. No. 119-2025 to tonight's Agenda with intent to waive readings; seconded by Mr. Eader.

Roll Call: Yes: DeHarpert, Eader
No: None

Motion passed unanimously.

Safety – Fire Department Levy – Mr. Eader said this is for a renewal levy and asked Mr. Markey for more information. Mr. Markey explained this is a follow up to the levy that failed in the November election. It is a renewal with no increase to be on the May election. There is a February deadline for two resolutions, which is why they are asking for consideration tonight on the first one to start the process. Mr. Eader moved to add Res. No. 120-2025 to tonight's Agenda with the intent to waive readings; seconded by Mr. Tousley.

Roll Call: Yes: Eader, Tousley, DeHarpert
No: None

Motion passed unanimously.

Service – Mr. Tousley explained this is for a front plow and tailgate salt spreader for \$23,124 from Henderson. He understands that we are in a transition period in the City, but is not pleased that this is to be passed on a first reading. Mr. DeHarpert concurred and said that this was in the 2025 budget. Mr. Tousley moved to add Ord. No. 121-2025 to tonight's Agenda with the intent to waive readings; seconded by Mr. DeHarpert.

Roll Call: Yes: Tousley, DeHarpert, Eader
No: None

Motion passed unanimously.

CONSIDERATION OF MINUTES

Regular Council Meeting of December 1, 2025 were approved as submitted.

VOLUNTEER FIRE DEPENDENTS' FUND

Mr. Tousley asked Mr. Markey if the Volunteer Fire Dependents' Fund appointments needed a full vote of Council and Mr. Markey answered affirmatively. Ms. Lee moved to appoint Mr. Harbert and Mr. Tousley to serve on the Volunteer Fire Dependents' Fund for 2026; seconded by Mr. Harbert.

Roll Call: Yes: Lee, Harbert, Tousley, Eader, Mowery, DeHarpert
No: None

Motion passed: 6 - 0

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mayor Zita thanked the Street Department for their hard work over the weekend and said they did an excellent job. The new Service Director and his team did a great job. Mayor Zita said that Charter Review is coming up this year and they are asking residents to serve on this Committee of seven members. If interested, please send a letter of interest to the Mayor.

INTRODUCTION OF NEW LEGISLATION

Ord. No. 118-2025

Ms. Lee introduced Ord. No. 118-2025 for its first reading and asked the Clerk to read it:

AN ORDINANCE AMENDING THE CITY OF NORTON POLICIES AND PROCEDURE MANUAL TO REVISE THE LONGEVITY SCHEDULE FOR NON-BARGAINING PERSONNEL AND TO INCLUDE A CELL PHONE REIMBURSEMENT POLICY; AND DECLARING AN EMERGENCY.

Ms. Lee said in order to finish 2025 business, moved to waive second and third readings; seconded by Mr. Harbert.

Roll Call: Yes: Lee, Harbert, Tousley, Eader, Mowery, DeHarpart
No: None

Motion passed: 6 - 0

Ms. Lee moved to adopt Ord. No. 118-2025; seconded by Mr. Harbert.

Roll Call: Yes: Lee, Harbert, Tousley, Eader, Mowery, DeHarpart
No: None

Motion passed: 6 - 0

Ord. No. 119-2025

Mr. DeHarpart introduced Ord. No. 119-2025 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AN AMENDMENT TO AN AGREEMENT WITH NORTON ENERGY STORAGE, LLC; AND DECLARING AN EMERGENCY.

Mr. DeHarpart moved to waive second and third readings; seconded by Mr. Eader.

Roll Call: Yes: DeHarpart, Eader, Harbert
No: Tousley, Lee, Mowery

Motion failed.

Mr. Markey explained that because the waiver did not pass, the ordinance does not get voted on. The city will get title to the mine on December 31, 2025 unless there is a Special Meeting and the ordinance is voted on before that date.

Res. No. 120-2025

Mr. Eader introduced Res. No. 120-2025 for its first reading and asked the Clerk to read it:

A RESOLUTION DECLARING IT NECESSARY TO SUBMIT THE QUESTION OF THE RENEWAL OF A TAX LEVY IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES, BUILDING AND SITES THEREFOR, SOURCES OF WATER SUPPLY AND MATERIALS THEREFOR, THE PAYMENT OF PERMANENT, PART-TIME OR VOLUNTEER FIREFIGHTING, EMERGENCY MEDICAL SERVICE, ADMINISTRATIVE AND COMMUNICATIONS PERSONNEL TO OPERATE THE SAME, INCLUDING THE PAYMENT OF ANY EMPLOYER CONTRIBUTIONS REQUIRED FOR SUCH PERSONNEL UNDER SECTION 145.48 OR 742.34 OF THE REVISED CODE, AND THE PROVISION OF AMBULANCE, PARAMEDIC AND OTHER EMERGENCY MEDICAL SERVICES OPERATED BY THE FIRE DEPARTMENT PURSUANT TO SECTION 5705.19(I) OF THE REVISED CODE; AND DECLARING AN EMERGENCY.

Mr. Eader moved to waive second and third readings; seconded by Mr. DeHarpert.

Roll Call: Yes: Eader, DeHarpert, Tousley, Lee, Harbert, Mowery
No: None

Motion passed: 6 - 0

Mr. Eader moved to adopt Res. No. 120-2025; seconded by Mr. DeHarpert.

Roll Call: Yes: Eader, DeHarpert, Tousley, Lee, Harbert, Mowery
No: None

Motion passed: 6 - 0

Ord. No. 121-2025

Mr. Tousley introduced Ord. No. 121-2025 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A FRONT PLOW AND TAILGATE SPREADER FOR THE SERVICE DEPARTMENT FROM HENDERSON IN AN AMOUNT NOT TO EXCEED \$23,124.20; AND DECLARING AN EMERGENCY.

Mr. Tousley moved to waive second and third readings; seconded by Mr. DeHarpert.

Roll Call: Yes: Tousley, DeHarpert, Eader, Lee, Mowery, Harbert
No: None

Motion passed: 6 - 0

Mr. Tousley moved to adopt Ord. No. 121-2025; seconded by Mr. DeHarpert.

Roll Call: Yes: Tousley, DeHarpert, Eader, Lee, Harbert, Mowery
No: None

Motion passed: 6 - 0

INTRODUCTION OF PRIOR LEGISLATION

Res. No. 116-2025

Ms. Lee offered Res. No. 116-2025 for its second reading and asked the Clerk to read it:

A RESOLUTION APPROVING AND CONFIRMING THE APPOINTMENT OF DAN KARANT TO THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT BOARD OF HEALTH FOR THE FOUR-YEAR TERM COMMENCING JANUARY 1, 2026 AND ENDING DECEMBER 31, 2029; AND DECLARING AN EMERGENCY.

Ms. Lee moved to waive third reading; seconded by Mr. Harbert.

Roll Call: Yes: Lee, Harbert, Tousley, Eader, Mowery, DeHarpert
No: None

Motion passed: 6 - 0

Ms. Lee moved to adopt Res. No. 116-2025; seconded by Mr. Harbert.

Roll Call: Yes: Lee, Harbert, Tousley, Eader, Mowery, DeHarpert
No: None

Motion passed: 6 - 0

Ord. No. 117-2025

Ms. Lee offered Ord. No. 117-2025 for its second reading and asked the Clerk to read it:

AN ORDINANCE ADOPTING A CYBERSECURITY POLICY IN COMPLIANCE WITH OHIO REVISED CODE SECTIONS 149.43 AND 149.433; AND DECLARING AN EMERGENCY.

Ms. Lee moved to waive third reading; seconded by Mr. Harbert.

Roll Call: Yes: Lee, Harbert, Tousley, Eader, Mowery, DeHarpert
No: None

Motion passed: 6 - 0

Ms. Lee moved to adopt Ord. No. 117-2025; seconded by Mr. Harbert

Roll Call: Yes: Lee, Harbert, Tousley, Eader, Mowery, DeHarpert
No: None

Motion passed: 6 - 0

Ord. No. 112-2025

Mr. Harbert offered Ord. No. 112-2025 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2025;

AUTHORIZING AMENDMENTS TO THE CERTIFICATE OF ESTIMATED RESOURCES OF THE CITY FOR CALENDAR YEAR 2025; AND DECLARING AN EMERGENCY.

Mr. Harbert moved to adopt Ord. No. 112-2025; seconded by Mr. DeHarpart.

Roll Call: Yes: Harbert, DeHarpart, Tousley, Eader, Lee, Mowery
No: None

Motion passed: 6 - 0

Ord. No. 113-2025

Mr. Harbert offered Ord. No. 113-2025 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING A TRANSFER FROM THE GENERAL FUND FOR CALENDAR YEAR 2025; AND DECLARING AN EMERGENCY.

Mr. Harbert moved to adopt Ord. No. 113-2025; seconded by Mr. DeHarpart.

Roll Call: Yes: Harbert, DeHarpart, Tousley, Eader, Lee, Mowery
No: None

Motion passed: 6 - 0

Ord. No. 114-2025

Mr. Harbert offered Ord. No. 114-2025 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF MAX DISPATCH TELECOMMUNICATIONS CONSOLE SYSTEMS FOR SOUTHWEST SUMMIT COMMUNICATIONS (SWSCOM) FROM ZETRON IN AN AMOUNT NOT TO EXCEED \$38,031.39.

Mr. Harbert said this software needs to be updated and moved to adopt Ord. No. 114-2025; seconded by Mr. DeHarpart.

Roll Call: Yes: Harbert, DeHarpart, Tousley, Eader, Lee, Mowery
No: None

Motion passed: 6 - 0

Ord. No. 115-2025

Mr. DeHarpart offered Ord. No. 115-2025 for its third reading and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL CONCERNING COMMUNITY REINVESTMENT AREA TAX EXEMPTION AGREEMENTS WITHIN THE CITY OF NORTON; AND DECLARING AN EMERGENCY.

Mr. DeHarpart moved to adopt Ord. No. 115-2025; seconded by Mr. Tousley.

Roll Call: Yes: DeHarpert, Tousley, Eader, Lee, Mowery, Harbert

No: None

Motion passed: 6 - 0

PUBLIC SERVICE ANNOUNCEMENTS

Mayor Zita encouraged all to view the holiday displays in the Columbia Woods Park and wished everyone happy holidays. Mr. DeHarpert concurred.

TOPICS FOR NEXT MEETING – January 5, 2026: 6:30 p.m. Swearing-In Ceremony performed by Judge McKenney for the Ward Representatives. Mr. DeHarpert noted that all four wards retained their current representatives. Immediately following the Swearing-In will be Council's Organizational Meeting where a new President and Vice President will be selected. The Regular Council Meeting will be immediately following the Organizational Meeting.

NON-AGENDA ITEMS

Ms. Lee wished everyone a happy and safe holiday season. Mr. Harbert said that Council meets every other week while the members of Council are working on items all week. He also acknowledged that Ms. Macomber works behind the scene to keep everything straight and thanked her. He wished all residents a Merry Christmas and a safe and happy New Year.

ADJOURN - There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:40 p.m.

, President of Council

I, Kerry Macomber, Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on January 5, 2026.

Kerry Macomber, Clerk of Council

NOTE: These minutes are not verbatim

Original signed and approved minutes are on file with the Clerk of Council.

Sponsored by:
Referred to:
Introduced by:

Administration
Committee Work Session
Finance Chair Harbert

CITY OF NORTON RESOLUTION NO. 1-2026

A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION OF THE QUESTION OF THE RENEWAL OF A TAX LEVY IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES, BUILDINGS AND SITES THEREFOR, SOURCES OF WATER SUPPLY AND MATERIALS THEREFOR, THE PAYMENT OF PERMANENT, PART-TIME OR VOLUNTEER FIREFIGHTING, EMERGENCY MEDICAL SERVICE, ADMINISTRATIVE AND COMMUNICATIONS PERSONNEL TO OPERATE THE SAME, INCLUDING THE PAYMENT OF ANY EMPLOYER CONTRIBUTIONS REQUIRED FOR SUCH PERSONNEL UNDER SECTION 145.48 OR 742.34 OF THE REVISED CODE, AND THE PROVISION OF AMBULANCE, PARAMEDIC AND OTHER EMERGENCY MEDICAL SERVICES OPERATED BY THE FIRE DEPARTMENT PURSUANT TO SECTION 5705.19(I) OF THE REVISED CODE, AND DECLARING AN EMERGENCY

WHEREAS, on December 15, 2025, this Council passed Resolution No. 120-2025 (the "Resolution of Necessity") declaring it necessary to submit to the electors of the entire territory of the City the question of the renewal of an existing tax in excess of the ten-mill limitation, as described below, a copy of which Resolution of Necessity was certified to the Summit County Fiscal Officer

WHEREAS, the Summit County Fiscal Officer has certified to the City (i) that the total current tax valuation of the City is \$392,778,980, including Summit and Wayne County values, and (ii) the dollar amount of revenue that would be generated by the levy in the amount of 5.6 mills for each \$1 of taxable value, which amounts to \$152 for each \$100,000 of the County Fiscal Officer's appraised value.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Norton, Ohio, two-thirds of all members elected thereto concurring, that:

Section 1. This Council hereby determines to proceed with the submission to the electors of the entire territory of the City at an election to be held on May 5, 2026 the question of the renewal of an existing 5.6-mill ad valorem property tax outside of the ten-mill limitation for the purpose of providing and maintaining fire apparatus, appliances, buildings and sites therefor, sources of water supply and materials therefor, the payment of permanent, part-time or volunteer firefighting, emergency medical service, administrative and communications personnel to operate the same, including the payment of any employer contributions required for such personnel under Section 145.48 or 742.34 of the Revised Code, and the provision of ambulance, paramedic and other

emergency medical services operated by the fire department for five years (commencing with a levy on the tax list and duplicate for the year 2026 to be first distributed to the City in calendar year 2027).

Section 2. The Clerk of Council is hereby authorized and directed to certify to the Board of Elections copies of this Resolution, the Resolution of Necessity and certification of the County Fiscal Officer referred to in the recitals hereto on or before February 6, 2026. This Council hereby requests that the Board of Elections prepare ballot forms and make other necessary arrangements for the submission of this question to the electors of the entire territory of the City, all in accordance with the law.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with the law.

Section 4. This Resolution is declared to be an emergency measure necessary to provide for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Norton, and for the further reason that this Resolution is required to be immediately effective in order to timely place the issue described herein on the ballot at the May 5, 2026 election, which is urgently necessary to provide for funding the provision of fire and emergency medical services for the City of Norton described in Section 1 hereof; wherefore, provided it receives the affirmative vote of two-thirds (2/3) of all members elected to Council, this Resolution shall take effect and be in force immediately upon its adoption and approval by the Mayor.

Emergency Vote: YEAS: _____ NAYS _____

ADOPTED _____, 2026 _____, President of Council

ATTEST: _____
Kerry Macomber, Clerk of Council

Mike Zita, Mayor

Date Filed with the Mayor: _____

I, Kerry Macomber, Clerk of Council for the City of Norton, Summit & Wayne Counties, Ohio, do hereby certify the foregoing **Resolution No. 1--2026** was duly and regularly adopted by the Council of the City of Norton, Summit and Wayne Counties, Ohio, at a meeting held on _____, 2026.

That this legislation was posted according to law on _____, 2026 and will become effective on _____, 2026.

Kerry Macomber, Clerk of Council

Approved as to legal form by Justin P. Markey, Solicitor, City of Norton, on January 2, 2026.

SPONSORED BY: Administration
INTRODUCED BY: Committee Work Session
REFERRED TO: Personnel/Rules Chair Lukens

**CITY OF NORTON
ORDINANCE NO. 2-2026**

AN ORDINANCE ADOPTING AN AMENDED JOB DESCRIPTION AND DUTIES FOR THE ZONING ADMINISTRATOR AND SALARY SCHEDULE FOR SUCH POSITION, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has determined to adopt an amended job description and duties and annual salary rate for the position of the Zoning Administrator as a classified, non-bargaining unit of the City.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Norton, Counties of Summit and Wayne, State of Ohio:

Section 1. This Council hereby adopts the job description for and duties of the Zoning Administrator in the form attached hereto as Exhibit A.

Section 2. This Council hereby adopts the following unclassified, non-bargaining unit employee salary rate and wage for the position of Zoning Administrator:

<u>Position</u>	<u>2026 Salary Rate</u>
Zoning Administrator	\$87,000 - \$97,000

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation for the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective to timely provide for the financial affairs of the City; wherefore this ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Emergency Vote: _____ Yeas _____ Nays

Date passed: _____, President of Council

Date submitted to the Mayor _____

Attest: _____
Kerry Macomber, Clerk of Council

Mike Zita, Mayor

Date approved by the Mayor _____

I, Kerry Macomber, Clerk of Council for the City of Norton, Summit and Wayne Counties, Ohio do hereby certify that the foregoing **Ordinance No. 2-2026** was duly and regularly passed by the Council of the City of Norton, Summit and Wayne Counties, Ohio at a meeting held on _____, 2026.

That this legislation was posted according to law on _____, 2026 and will become effective on _____, 2026.

Kerry Macomber, Clerk of Council

Prepared and approved as to legal form by Justin P. Markey, Solicitor for the City of Norton, Ohio, on December 17, 2025.

SPONSORED BY: Administration
REFERRED TO: Committee Work Session
INTRODUCED BY: Plng & Econ Dev Chair DeHarpert

CITY OF NORTON ORDINANCE NO. 3-2026

AN ORDINANCE ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF, ZONING CERTIFICATES FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF ADULT USE CANNABIS FOR A PERIOD NOT TO EXCEED SIX MONTHS IN ORDER TO ALLOW THE CITY TO REVIEW APPLICABLE STATE AND LOCAL LAWS, TO PLAN FOR REGULATIONS RELATING TO SUCH USES; AND DECLARING AN EMERGENCY.

WHEREAS, on November 7, 2023, Ohio voters passed Issue 2 to enact Chapter 3780 of the Revised Code effective December 7, 2023, which legalized and provided for the regulation of “adult use cannabis” as defined in Section 3780.01 of the Revised Code, including cultivation, processing, sale, purchase, possession, and home growth; and

WHEREAS, Section 3780.25 of the Revised Code gives this Council the authority to adopt an ordinance to prohibit, or limit the number of adult use cannabis operators licensed under Chapter 3780 of the Revised Code within the City; and

WHEREAS, pursuant to the City Charter, as well as the Ohio Constitution, this Council also has the inherent power to enact planning, zoning and business regulations and laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting or prohibiting certain business uses; and

WHEREAS, this Council previously established a moratorium on the acceptance of any application for, or the granting of, any zoning certificate for any building, structure, use, expansion of use, or change of use that would enable the cultivation, processing, distribution or sale of adult use cannabis in the City for a period of six months, which moratorium is set to expire; and

WHEREAS, this Council has determined that additional time is needed to review the applicable sections of the Codified Ordinances of the City and the Ohio Revised Code to plan for and formulate a response to Chapter 3780 of the Revised Code and has determined to impose an additional moratorium as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Norton, Counties of Summit and Wayne, State of Ohio, that:

Section 1. This Council hereby establishes a moratorium on the acceptance of any application for, or the granting of, any zoning certificate for any building, structure, use, expansion of use, or change of use that would enable the cultivation, processing, distribution or sale of adult use cannabis in the City for a period of six months from the date of adoption of this Ordinance.

Section 2. No existing business in the City of Norton may expand in any way that would establish the cultivation, processing, distribution or sale of adult use cannabis for the duration of the moratorium period established hereby.

Section 3. All formal actions of this Council related to this Ordinance and all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation for the public peace, health and safety of the City and the inhabitants thereof for the reason that this action is necessary to enable the City to fully study the impacts of Chapter 3780 of the Revised Code and its effects on the City and the health, safety and welfare of its inhabitants, and provided it receives approval of two-thirds of the members of Council, shall be in full force and effect from and after its approval by the Mayor, or otherwise take effect and be in force from and after the earliest period provided by law.

Emergency Vote: _____ Yeas _____ Nays

Date passed: _____, President of Council

Date submitted to the Mayor _____

Attest: _____
Kerry Macomber, Clerk of Council

Mike Zita, Mayor _____

Date approved by the Mayor _____

I, Kerry Macomber, Clerk of Council for the City of Norton, Summit and Wayne Counties, Ohio do hereby certify that the foregoing **Ordinance No. 3-2026** was duly and regularly passed by the Council of the City of Norton, Summit and Wayne Counties, Ohio at a meeting held on _____, 2026.

That this legislation was posted according to law on _____, 2026 and will become effective on _____, 2026.

Kerry Macomber, Clerk of Council

Prepared and approved as to legal form by Justin P. Markey, Solicitor, City of Norton, January 2, 2026.

SPONSORED BY Administration
REFERRED TO: Committee Work Session
INTRODUCED BY: Service Chair Tousley

CITY OF NORTON ORDINANCE NO. 4-2026

AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION
REGARDING THE PROJECT DESIGNATED AS PID 113037 (SR 261
RESURFACING); AND DECLARING AN EMERGENCY.

WHEREAS, on the 21st day of July 2025, the City of Norton, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", enacted legislation proposing cooperation with the Director of Transportation in the described project:

Resurfacing improvements to Wadsworth Road (SR 261) from South Medina Line Road to Cleveland Massillon Road and Silver Springs Drive to Collier Road, including partial depth pavement repair, pavement planing, asphalt concrete surfacing, curb, ADA curb ramps, guardrail upgrades and pavement markings, lying within the City of Norton; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of Five Hundred Twenty-Seven Thousand Eight Hundred Thirty-Four Dollars (\$527,834.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above-described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, the LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Norton, Summit and Wayne Counties, State of Ohio, that:

Section 1. That the estimated sum of Five Hundred Twenty-Seven Thousand Eight Hundred Thirty-Four and 00/100 Dollars (\$527,834.00) is hereby appropriated for the improvement described above and the Finance Director is hereby authorized and

directed to issue an order for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

Section 2. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

Section 3. That the LPA enter into a contract with the State, and that the Mayor be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

Section 4. That the LPA transmit to the Director of Transportation a fully executed copy of this Ordinance.

Section 5. All formal actions of this Council related to this Ordinance and all deliberations of the Council and of any of its Committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance is an emergency measure necessary for the preservation of the public peace, health, safety, convenience, and welfare of the City of Norton and the inhabitants thereof, and to permit the timely completion of the project to enhance vehicular traffic and safety in the City, and provided it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after its passage and approval by the Mayor, or otherwise take effect and be in full force from and after the earliest period allowed by law.

Emergency Vote: _____ Yeas _____ Nays

Date passed: _____, President of Council

Date submitted to the Mayor _____

Attest: _____
Kerry Macomber, Clerk of Council

Mike Zita, Mayor
Date approved by the Mayor _____

I, Kerry Macomber, Clerk of Council for the City of Norton, Summit and Wayne Counties, Ohio do hereby certify that the foregoing **Ordinance No. 4-2026** was duly and regularly passed by the Council of the City of Norton, Summit and Wayne Counties, Ohio at a meeting held on _____, 2026.

That this legislation was posted according to law on _____, 2026 and will become effective on _____, 2026.

Kerry Macomber, Clerk of Council

Prepared and approved as to legal form by Justin P. Markey, Solicitor for the City of Norton, Ohio, on December 29, 2025.

SPONSORED BY: Administration
REFERRED TO: Committee Work Session
INTRODUCED BY: Plng & Econ Dev Chair DeHarpart

CITY OF NORTON ORDINANCE NO. 119-2025

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AN AMENDMENT TO AN AGREEMENT WITH NORTON ENERGY STORAGE LLC; AND DECLARING AN EMERGENCY.

WHEREAS, the City and Norton Energy Storage L.L.C. (“NES”) previously entered into the Agreement dated July 6, 2000, as amended by the Amendment to Agreement dated June 26, 2001 and by the Second Amendment to Agreement dated August 18, 2025 (collectively, the “Agreement”) related to NES’s acquisition and proposed development of certain real property interests in the City, which consisted of approximately 92.398 acres of surface fee property (the “Surface Fee Property”) and the PPG limestone mine, which is more specifically described as certain subterranean strata between the depths of 930 feet below sea level and 1,520 feet below sea level under the surface of approximately 743.712 acres of land which includes the Surface Fee Property and surrounding land (the “Mine”); and

WHEREAS, the Original Agreement included certain terms and provisions related to the development of the Surface Fee Property and use of the Mine in connection therewith, and included certain time frames for completion of such improvements; and

WHEREAS, this Council has determined to authorize the Administrative Officer to execute and deliver to NES a Third Amendment to Agreement in the form attached hereto as Exhibit A (the “Third Amendment”) to extend certain deadlines in the Agreement from December 31, 2025 to December 31, 2026.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Norton, Summit and Wayne Counties, State of Ohio, that:

Section 1: This Council hereby authorizes the Administrative Officer to execute and deliver to NES a Third Amendment to Agreement in the form attached hereto as Exhibit A.

Section 2: All formal actions of this Council related to this Ordinance and all deliberations of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code.

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation for the public peace, health and safety of the City of Norton and the inhabitants thereof and for the reason that the timely execution of the Third Amendment is required prior to the December 31, 2025 deadline in the Agreement, and provided it receives the approval of two-thirds of the members of Council, this

Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

Emergency Vote: _____ Yeas _____ Nays

Date passed: _____
Doug DeHarpert, President of Council

Attest: _____
Kerry Macomber, Clerk of Council
Date submitted to the Mayor _____

Mike Zita, Mayor
Date approved by the Mayor _____

I, Kerry Macomber, Clerk of Council for the City of Norton, Summit and Wayne Counties, Ohio do hereby certify that the foregoing **Ordinance No. 119-2025** was duly and regularly passed by the Council of the City of Norton, Summit and Wayne Counties, Ohio at a meeting held on _____, 2025.

That this legislation was posted according to law on _____, 2025 and will become effective on _____, 2025.

Kerry Macomber, Clerk of Council

Prepared and approved as to legal form by Justin P. Markey, Solicitor, City of Norton, December 4, 2025.