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President Baker called the meeting to order. Bruce Smucker of the New Hope Church offered the prayer. The Pledge was recited by all.

Roll call: Shupp, Miller, Landaw, Vance, Aspiras, Corfman, and Leathers were present.

Corfman moved and Aspiras seconded that the April 21, 2008 regular meeting minutes be approved. Roll call vote. Ayes all, except Miller who abstained. Motion carried.

Public Comment:

Baker: We had no scheduled public comment, but there are some people here that would like to speak. In order to do this we will need a motion from Council to allow the people to speak. It would be under our normal circumstances; they would have three minutes.

Landaw moved and Shupp seconded that if any of the public here this evening have comments or questions concerning any of our ordinances or resolutions this evening that they be allowed to speak to them. Roll call vote. Ayes all. Motion carried.

Baker: Is there anyone in the audience that would like to speak to any of our ordinances this evening?

Landaw: The folks might rather like to speak to any of the particular ordinances as we get to them and the information is being shared. My motion was intended for our entire meeting if that is acceptable to the group, that is what I meant to move. As the legislation is being brought forward, if there are any comments or questions at that time is what I am proposing.

Baker: That would apply to any ordinances that need to be passed this evening, rather than ordinances that are going for more than one reading. Because if it is for more than one reading the people have a chance to write it out and present as they should. As far as I know, we only have one ordinance that has to be passed this evening. The others can go more than one. Is that right Mrs. Jewell.

Jewell. That is correct. That is okay for mine, but Mr. Preising does have Resolution 24-08 and I did not know what the status was as far as that one.

Baker: 24-08 is going to require an executive session. Is that right Mr. Preising?

Preising: Yes.

Standing Committee Reports:

A. Finance – Mr. Miller reported that prior to the meeting this evening Mr. Leggett passed out the 2009 Budget Schedule. It is similar to what we have done in the past. I would like to make a couple motions to put some meetings on the record pertaining to this.

Miller moved and Vance seconded that a Public Hearing be held on June 16th regarding first reading of the 2009 Budget. Roll call vote. Ayes all. Motion carried.

Miller moved and Vance seconded that a Special Meeting be held on June 23rd for second reading of the 2009 Budget.

A Finance Committee meeting has been scheduled for Monday, May 12th, after Utility Board to discuss our situation with the Capital Improvement Account.

B. Utilities – Mr. Landaw reported the Public Utility Board will be meeting next Monday (May 12th) evening at 6:30 p.m.

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C. Health & Safety – Mr. Corfman had no report.

D. Parks and Recreation – Mr. Aspiras reported the Hilltop playground installation is 98% complete. Mrs. Jewell and Mr. Staley have a few items left to finish that. We are hoping to get that finished within the next week or two. The installation for the playground at Gailey Park is scheduled for May 17th. If you are interested in helping out, see Mr. Staley or show up at 8:30 a.m. Saturday morning, May 17th. I also want to thank all those that were involved at the Hilltop installation. I appreciate all your help.

E. Transportation – Mr. Shupp had no report, but mentioned that the intersection of North Crown Hill and Back Massillon Road hopefully will be open in several days for normal traffic.

F. Planning – Mr. Vance had no report.

G. Ordinance & Personnel – Ms. Leathers had no report.

Special Committee Reports: None.

Administrative Reports:

A. Mayor - Mayor Handwerk reported that in observance of Arbor Day last week we had an additional tree planting in the lower park. This tree was planted in memory of Robert Smith who is a decorated veteran and long time member of the Planning Commission. Also, it is that time of year for lawn mowing and grass growing fast. I think most people in town are doing a great job with that, but we do have some that have not been mowed yet. I certainly hope that people will get on that. That would save the City a lot of time and effort if they don't have to send letters out to have people mowing grass. We want to keep our city as attractive as possible, so please consider your neighbors too. Our employee for the month of May is Myron Miller. He is a member of the Street Department; a utility worker there. This position requires diverse skills and knowledge. Myron comes to the City after being owner of Riceland Cabinet. Superintendent Mike Staley says Myron is a hard working and always willing to help when need during the work hours and also after hours. Mike says the final outcome of a job done by Myron is what you might expect from a cabinet make...high quality in a timely manner. Congratulations Myron and we will eat lunch together this Wednesday.

B. Safety Service Director- Director Jewell reported they have been working on the issue of a senior citizens transportation bus. We have been successful in finding a successor for Holmes Wayne Transportation and that would be Rain Tree Cab out of Wooster. They will be starting with their first run this Friday. Holmes Wayne agreed to an extension of one week to help us out in order to get us through this transition time. Holmes Wayne will be making the run tomorrow on Tuesday. Someone from Rain Tree will be riding with them and then on Friday we will be switched over to contracting with the Rain Tree Cab Company to provide that service. On Tuesdays and Fridays they will provide the normal route around town and then also one day a month they will make a route to Wooster. We will be getting more information out there. Right now we are not exactly sure what phone number will be used. We believe that number will stay the same, but we still need to confirm that. Once we get all the details firmed up we will do an article in the newspaper so all the information is out there. We do have a contract and it will start this coming Friday.

Vance: What are the ridership numbers for the senior transportation we are talking about?

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Jewell: In a given week they ride usually 8 to 10 people each day on the route.

C. Utilities Director – Director Preising reported that he distributed to Council prior to the meeting the Utility Annual Report. That is a report Mr. Hedberg puts together. If you have any questions regarding that please let me know. The second item distributed was a copy of brochure that was e-mailed from GenPower. They are the company that is actually performing the work for the hydro license at Pike Island. It looks like they are still going ahead. They have met all the deadlines so far. It looks like the State of Ohio has passed some new legislation that requires industrial utilities to have renewable power. It is going to make this Pike Island facility probably a lot of money. Hopefully we will get some of our money back out of that at some point in time.

D. Finance Director – Director Leggett reported that it is possible that at your next council meeting or the next one we will be bringing to you some debt issuance resolutions primarily pertaining to the water utility. As Mr. Landaw mentioned, the Water Utility has some meetings scheduled and have some significant capital requirements that they see in the next year or so primarily relating to water and water mains. They have some grant money secured, but we have to have matching money. If you recall, because of the activity last year primarily with the installation of the large water mains on both Market Street and Main Street most of the reserve funds in the Water Utility were not necessarily depleted, but dropped to a very low level. So any major projects we are looking at will require some debt issuance. Right now we are looking at finalizing that list of projects they want to do and will present all of that to Council. We are also trying to look at some combining some of our note issuances. If you recall, last year we issued notes to call some bonds on our long term bond for the Electric Utility, but we also have an outstanding note for a precipitator improvement that was done some years ago that we keep going over. We are trying to look at combining all those possibly into one simple note issuance. Simple may not be the right word to use, but it would be one issuance and one set of issuance costs which would help us and make the note a lot more marketable if it is a larger note rather than a small note. The amount we are looking at is rather small in issued bonds because you need to gather several million dollars before you do that. We are working with our investment bankers, those on council, and of course the water utility trying to figure out the best way to do that. But the timing is such that we may bring this to you and ask that the resolution be passed rather quickly so we are trying to keep you informed. If need be, we can set up a workshop to explain it to you. I did want to forewarn you about that.

E. Law Director - Director Lutz requested that prior to the reading of the last resolution I would ask for a motion to go to Executive Session to discuss the purchase of real estate. Secondly, there was a little bit of confusion regarding our Public Comment policy and I would just like to talk about that. Section 4 of Rules of Council in the section discussing order of business where it lists how we order and what we are doing here in our agenda. Number 4 is Public Comment and as we all know some of us made Public Comment just indicate the topic by e-mail, mail, or fax to City Hall by 4:00 p.m. on Friday prior to the meeting. However, if someone approaches a council member and says that it was impossible or impractical for them to do that prior to the deadline, a council member can ask for a motion, council and approve allowing for public comment under those circumstances where it was either impossible or impractical for somebody to meet the deadline on Friday. That is how that should work. Technically we should have taken public comment where it comes up in the agenda; we probably should have a motion to take public comment outside its place on the agenda if we are going to do it that way. It is the order and how it reads in our Rules of Council and of course council wants to follow its own rules and

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as the order of business at meetings of council shall be as follows and it goes down in the order we obviously have on our agenda. So if we are going to take public comment at a different time other than that we probably should have a motion to take public comment outside the schedule as it is scheduled on the agenda.

Landaw: Any time council is in session and we have someone here from the public that would just like to comment or question on a piece of legislation that we are discussing, unless we go through this procedure, they cannot be called on by Council President if they raise their hand if they have a comment or question..that is what I am asking.

Lutz: There is an accepted way you can do that. It is under Public Comment is says “unless specifically invited to speak by council or the administration”. Any person desiring to speak has to go through the process or procedure I just described. For example, Mr. Landaw if you know specifically of someone by name that you want to call on to speak to a certain piece of legislation you can do so as can anyone in the administration. It provides the flexibility to allow that.

Landaw: Also then if someone raises their hand that none of us know anything about, that might have a question that comes up as a piece of legislation is being presented, does the President of Council have discretion to call upon them?

Lutz: According to the rules, if it is for Public Comment

Landaw: It is not for Public Comment, it is pertaining to a particular piece of legislation that we would be talking about at the time.

Lutz: Well that is comment of the public so it is public comment. So I am just saying those are the rules that were established by council so council should follow their rules. If they don't like the rules, they should take some action to change them. But you should abide by the rules as a council body or change them.

Corfman: Mr. Lutz pretty much explained or stated what I wanted to say. The rules don't preclude us from being able to ask questions of somebody that is in the audience. We can ask them. If we have a specific question we want a clarification from them, we have that right to ask them and that is in our rules and we are not changing any of that with the motion. That is the way I understood and wanted to keep it.

Lutz: There is flexibility built in and I know if council wants to hear from a particular person you can ask that at any time. If however, someone just comes to you and says hey I couldn't get in under the deadline then you go through the motion process. Administration can do the same thing.

Landaw: Thank you Mr. President for allowing that to be clarified. Of all the years of being on City Council, I don't remember that we have ever had to quite call for permission for someone in our public audience to speak. All the years I have been on council, I don't ever remember that firmly being followed. For all the years we haven't enforced that I am glad that if we are going to do it then as long as I am on council we are going to enforce it fairly and equally to everybody, every opinion, and every topic that comes up. Thanks for clarifying that.

F. President of Council – President Baker reported Habitat for Humanity is going to build another house in Orrville. It is going to be on Spring Hill Drive. They are going to be starting this week. If anyone is interested in helping out, call Habitat for Humanity. I am sure they will welcome whatever hands are available. They need workers, they need helpers, if someone just wants to make sandwiches and bring it out for the people that is fine too. If you call Habitat for Humanity they can line up whatever you would like to do. Secondly, The Earth Science Club from the High School have a couple events coming up. On May 17th they have invited the University of Findlay to come to town. They are going to have a Fear Factor game in Orrville. That sounds like it may be something fun. I am not sure if I want to go eat bugs, but we will see

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what may happen there. Also, on Wednesday, May 21st there will be a trail day for the high school seniors to work over on the trail. Tomorrow evening I heard there is going to be a U.S. Mayor's Climate Protection Agreement is going to be discussed in Wooster. Is that still on as far as you know.

Handwerk: Yes, it starts at 7:00 p.m. at the First Presbyterian Church in Wooster.

Old Business: None

New Business:

RESOLUTION 20-08

Leathers moved and Landaw that Resolution 20-08, a resolution authorizing the Safety-Service Director to enter into a contract and/or contracts to provide for tax abatement for real property for CVS 4605 OH, LLC, and declaring an emergency, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: The CVS location is at the corner of High Street and Main Street. They are asking for an abatement. Like we discussed at our last meeting, the abatement would be for any increase in value – taxable value – to this property. The existing property has taxes on it that are paid every year of \$11,848.28. The project they are doing is \$1.7 million in new construction. The new taxes on that would be \$36,413. The difference between those two figures is \$24,564. You have the difference and then the abatement would be 50% of that difference, resulting in a 50% abatement of new taxes in the amount of \$12,282. Which means the school system would be getting an additional \$12,282 for this property. After the twelve year period they would get the entire amount which would be the \$24,130. Mr. Shawn McDermott from the Zaremba Group is here and can answer any questions you may have regarding this project.

McDermott: We are the developers for CVS and have been in front of you several times. I can answer any questions you may have regarding the project or the request for the abatement.

Baker: Has the School Board agreed to this?

Jewell: The School Board was notified. Actually it requires that the Superintendent is notified. Mr. John Ritchey was notified of this application and we did not receive any approval from them, but they are not required to approve it. Also, Kristin Endsley is here and she has also had some conversations with them at the schools.

Miller: I have a couple questions initially for Mrs. Jewell. The City of Orrville has a tax abatement policy that I pulled off the internet. Is that still in force? Does that apply to this?

Jewell: It would depend. We have to different tax abatement programs. One of them is the Enterprise Zone Program and the other one is the CRA Program. This one is under the CRA program.

Miller: Is there a significant difference between the two.

Jewell: Yes. The enabling legislation from the State is different.

Miller: Did the Tax Incentive Review Board meet and recommend this?

Jewell: Yes they did.

Endsley: It is actually the Negotiating Team meets prior. The Tax Incentive Review Council would meet after the agreements are in effect. The Negotiating Team consists of the Administration from the School, the Finance Director, and the Mayor. The schools were not in attendance. I had talked to them and they were unable to attend, but they were okay with what we are offering so they decided not to attend that conference.

Miller: So in essence they have okayed this thing.

Endsley: Correct.

Miller: Is this creating any new employment opportunities? Is that part of the other incentive as well?

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Jewell: As a result of this project they are creating one new full time job and three new part time jobs. It would probably be the equivalent of two FTEs or full time equivalents. One full time and three part time. The other part is they are retaining the eleven jobs they have at their other location. Those will be part of the agreement and will be reviewed each year when it comes before the Tax Incentive Review Council they will look to see whether they are meeting the investment required as well as the jobs.

Miller: My other question would be, you had mentioned this needs to go on first reading if possible and I am not quite sure I understand what the big hurry would be to do that.

Jewell: Typically with the tax abatement agreements and every other one that I can ever remember, we have done them on first reading. The second part of that would be that they can not start any construction until this agreement has been approved. I think they would appreciate the agreement being approved. There were different entities that work for CVS that were in the process...a different entity was responsible for filing this application and it was not filed until approximately three weeks ago. Then they didn't realize that the construction end of the business was in the process of getting started as quickly as they could. That is the other reason it would be beneficial to pass it on first reading. This is a very similar incentive that we would offer to any commercial business. The CRAs are fairly new. We have had Enterprise Zones for years. CRAs are fairly new. I believe we have used them for about four years now. We have one other commercial CRA and that would be the Stoller building out on North Main Street. That is under a CRA agreement. They were given a tax abatement. The other CRA we have is an building owned by the Jarrett Companies. It is across the street from their PackShip USA. This would be our third CRA agreement for commercial or industrial. We have numerous CRAs out there for residential right now.

Corfman: You are saying if we don't approve this tonight CVS is not going to build?

Jewell: No, I did not say that.

Corfman: Is that what CVS's representatives saying?

Jewell: No, they are not saying that.

Vance: I would like some clarification on the emergency clause. My understanding is the emergency clause is for the public health, safety, and welfare. Does this ordinance fall within those parameters?

Lutz: The language that has been used for an emergency we don't just say for the public health, safety issues, it also is for further reasons. In this case, it was for the further reason and is in the legislation itself. The further reason is to preserve job opportunities to eliminate unemployment and other negative conditions resulting from unemployment. That is pretty standard language that we use. There does have to be an clause further explaining that. I think Orrville has established itself having a reputation of being very business friendly. I think it has benefited Orrville. Business have come in and told us specifically how great it is dealing with the Administration and Council. That word spreads. You get a reputation for being business friendly. I don't know if this is a direct answer to your question about whether it should be an emergency or not, that is your call as council, but that is how we drafted the legislation. So you either have to approve it as an emergency or we have to redraft it. But I think it is important that Orrville is seen as business friendly. Even compared to some communities surrounding us we are considered more business friendly than others and it has benefited us. That reputation seems to spread and I think that is a reputation to have. In the long run what we get back from doing things such as tax abatement more than pays for itself.

Vance: I certainly agree we want to be business friendly. I think we all agree on that we want to be very receptive to the needs of business in the community. My concern is that we are making a decision that is going to be over \$100,000 over 12 years and we have only have a very short

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amount of time to give this consideration. The emergency clause is kind of putting the peddle to the metal here on our decision making process.

Lutz: Not really, I think you may be confusing the emergency clause with whether you suspend the rules or if you have to go three readings. Those are two different things. The emergency clause simply means that after it is passed and signed it goes into effect immediately instead of the mandatory 30 day waiting period. That has nothing to do with how many meetings you want it to go. The Administration, Becky, is simply indicating that she would like to see it passed tonight for the reasons she stated, but if you do that you have to make a motion to suspend the rules so you can pass it on first reading.

Vance: Thank you for that clarification.

Landaw: I would encourage that if CVS can live with this for two more weeks, that we would let it go another reading. I understood they cannot begin construction, but can they begin demolition? I know that was the first phase they have to do. Will it mess them up too bad if we take it to a second reading, two more weeks, so we can look over this six page legislation we got tonight and consider it further? I haven't heard anybody on council opposed to it, but I think I am just asking if it would be a hassle if we have two more weeks to consider it.

Jewell: We have had other projects that have come before council that have certainly been more complicated than this one. This project could go two more weeks, but understand they can not start construction within that two week period.

Landaw: Can they start demolition?

Jewell: No, that is part of the project. So they would not be able to do that during the period of time when this agreement has not been approved.

McDermott: (inaudible tape)

Vance: What is the need for the abatement?

McDermott: CVS is obviously moving from one location to the next. To offset some of those costs that are being invested in this. They have made some substantial investment at this point. (inaudible tape). This abatement, although only approximately \$12,000 per year, does provide an offset for this.

Corfman: We have heard this investment since you came the Design Review Board and we have heard this from the very beginning and you got our support for that. Our support comes along and then all of the sudden an abatement pops up. I sort of feel like a bait and switch has been pulled on us here. You sold it on the investment and then all of a sudden, but only half of it.

Can you understand how I feel about that?

McDermott: I complete understand. Although we did not say in the beginning that an abatement would not be applied for, I have to somewhat say that it is CVS Corporate who is asking for an abatement. Ourselves, as the developer, is not aware of what their tax department is going to do. I know that is not the best answer to the question. Quite honestly, we don't know at the beginning of these projects whether or not an abatement will be seeked. We have asked politely many times, so we do know that so when the question is asked in the beginning if an abatement would be applied for, we can answer that truthfully. Being that it is a program in the City of Orrville that is available to all businesses, whether it be at the beginning of the project or immediately before construction, I hope that you do consider this.

Corfman: With CVS Corporate in mind, I am aware that it is available to all companies. All companies don't necessarily take advantage of it. CVS Corporate just declared an 84% increase in profits in there first quarter at a time when the economy may not be at its best, but we are all getting a check from the government. I am no less of an authority on retail and business encouragement. I set through a legislative breakfast while he was still just a director of

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development in Ohio where he said you do not need incentives for retail development. Retail will come. Obviously, CVS has done the research. They know they want to be here. They want a bigger store. So we are aware of this. Again, we want to be friendly to business. The question, when we give this, this is the size and the company that is asking for it.

Jewell: We do have a CRA policy and our policy does not say that we would not give an abatement that is a large company or a profitable company. It does not say that in our policy. In terms of how this whole thing happened, Mrs. Endsley can probably speak to it a little bit more clearly than I can, when you deal with these large corporation and they have a project they handed this off to another sub-consultant who had called in and they were looking at the data to determine whether or not they would apply for this CRA and they had not made that decision. I don't think in any way were not being upfront with us. All along we were working with them and provided them this information a long time ago. It is just that it took awhile for it to get through there system, until they got to a point where they decided they wanted to apply for this. I don't think we in any way would want to infer to any company who is in this town now or any company that would come to this town, that we would look at the size at what they have or their profitability before we would determine whether or not we would give them a tax abatement. In fact our policy says that we need to look at the business and determine whether they have the ability to do the project that is there. I really think that is a very slippery slope to start down. I think we need to look at our policy, determine whether this company meets our policy, and then determine whether we want to offer this incentive to them.

Corfman: I am not basing my decision on the profitability. If the company is the people, they are the ones that have to sell to the rest of the community. They are in sales; they have to sell when every other company has to pull its fair share and its fair weight of tax burdens. I am saying my decision or anyone else's decision should be based on the profitability, but they are the ones asking and they are the ones in sales. It is there approach. That fact needs to be laid out there.

Jewell: Again, I just want to say we need to be very careful that we are treating every project the same as we have other projects in the past. I don't think we want to say that in any way CVS would not be carrying their tax burden. This is a program that is offered. Other companies that have received a tax abatement have never been told they are not carrying their tax burden. CVS is doing what is permitted by the Ohio State Law and by our own policies and ordinances. So for that period of time they would be receiving an abatement, but they are paying the share they are required to.

Endsley: I just want to clarify for CVS's benefit. I have been speaking with the consultant handling the tax incentive since July of last year not knowing who their client was and finally after several e-mails and questions about the CRA policy they told me that CVS was their client. I explained to them that they are ready to go to construction and the gentlemen at Maximus said no they are going to construct in October and open in March 2009. I said well you need to go check with CVS Corporate because they have already been approved and their permits are complete. It was a miscommunication between the consultant and CVS; otherwise, this would have gone to you much, much sooner. Probably even before it went to the Design Review Board. Maximus and CVS were not on the same page and that is why three weeks ago we alerted the schools and pushed to get this on the agenda as soon as possible because of the time constraint.

Lutz: I would just reiterate what Mrs. Jewell said. One of two things are happening here. Either CVS is being singled out for some reason and that is not right because we have offered tax abatements in other businesses similar to this or we are questioning our tax abatement policy. I have already spoke to why I think that is a dangerous thing. We have established ourselves, as I said, with a reputation that we are business friendly and that is important. I hope we are not

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questioning our tax abatement policy unless we have another way of economical development that is better. Mr. Corfman, you and I are both on Main Street Orrville and we are always talking about how we can encourage and bring business in the downtown. I disagree that retail business just comes. We are always trying to think of incentives to provide to businesses who are established to stay in the downtown or get business from outside to come into the downtown. If we are singling out CVS for some reason, I am going to say that the Zarembo Group and CVS bent over backwards to do things that they did not have to do under our current legislation. We asked for certain things to be done with the way the building would appear and how it would sit, how the parking and landscaping would be. They didn't have to do all that, but they did and agreed to do it. So I hope it is not the first reason I said and I certainly hope it isn't the second reason either because I think that would be a disaster for Orrville to start not giving incentives to establish.

Corfman: I believe we will only single them out if we vote no, but I think the fact should be pointed out.

Vance: I certainly am not singling out CVS at all. I just think that it is good to have the opportunity to do our due diligence and to give it careful review. I don't necessarily sense that we have that opportunity to pass this on first reading without having a chance to even have a committee meeting about it. It is not that I don't trust the work that has already been done, it is just that it is our responsibility to give this our due diligence and review it ourselves. That is my thing. We ought to be able to have the opportunity to discuss it and go through the process.

Leathers: I would just like to put a little bit of a positive spin on it. We are talking about \$12,282.36 that we are not going to get. What about the \$12,282.36 that we are going to get once this building is put up? There are other valuable things about this project that don't have anything to do with the paying of taxes. The improvement to the property in the downtown area, the additional jobs possibly, the people that may stop at that CVS because it is right on Main Street as opposed to driving to Wooster or whatever if they work in town, but live somewhere else. I think there are a lot of non-monetary values that we need to look at and that we need to consider the positive as well as the loss of the \$12,000 a year.

Landaw: I am not singling out CVS at all. In reference to Mr. Lutz's comments though I think we should always be questioning our policies. Maybe not in the middle of the application, although that is when a lot of time points and questions are raised. My feeling is this Administration has been very good to bring stuff to us in very timely manners with lots of information and I appreciate and thank them for that. I just found a few minutes ago of some things that happened that was beyond their control in this case is why it is coming to us quickly. In the future, especially something this big and as many pages that we have to look at, I appreciate more time. And as Mr. Vance stated so we can give our minds and the public minds a little bit of time to work through this better. In light of where we are at with this, I feel comfortable, with some hesitation, but I feel comfortable passing it tonight. I also feel that if it is not going to delay things and the group wants to go two more weeks, I would feel comfortable doing that. In light of some of the things that were said, I don't know how much more public involvement we would get in two weeks so I think the group should decide.

Miller: My observation is the conversation has taken a turn we never wanted it to go. I don't think the issue is whether we are going to do this or not, I think the issue is whether we have to do it on first reading or not. My own personal opinion is that anything that has to do with financial matters should go more than one reading. That is where I think it is coming from, not that anybody is singling anybody out. We are having a Finance Committee meeting Monday. That is probably where it would fall if people want a committee meeting to discuss it. It is only going to delay construction one day.

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Leggett: I do sit on the Negotiating Team and was in on the meeting and have listened to the comments here this evening. Since I am just a small time accountant I look at things a little differently or a little simpler. A \$12,000 tax abatement is not a make or break issue to this project or any of the projects we have done and brought forward. This is a very standard tax abatement. These are the ones that come up and we have granted virtually every time they have come up. The CRA is a little different than our Enterprise Zone agreement. We don't need to bore anybody with those differences. I do sit on the Tax Incentive Review Council for our Enterprise Zone agreements to and one of the things that is enjoyable about that, not only getting into our local business, is to hear the comments some of those business leaders say about how pleased they are with the cooperation they get from the Orrville government, which includes council. The financial well being of this city depends on the local economy. So I take a simple approach to that, anything I think we can do as a government, we meaning everybody in this room, to help people do well in our local economy, I think we should do that. I don't argue with due diligence. I argue with our Law Director sometimes about due diligence because it does take time, but if there are issues that need to be resolved that is time well spent. My only concern is that by going through this period and waiting another couple weeks, what issues are going to come up that are going to need to be addressed. If this was an unusual tax abatement request and a lot of them are – keep one thing in mind we are somewhat strict in our abatement policies in that we only offer 50%, there are places that offer more. Our big concern is that with this tax abatement, because I firmly believe that no matter what Council does CVS will build this building, and if you are thinking that same way I am cautioning you to look a little further down the road because when you talk to the business and industry leaders in this town they don't live in a vacuum they talk to a lot of people and when people want to come in here next time they may not come to us first they may talk to CVS, they may talk to Stoller Floors, they may talk to other people in this community that we gave tax abatements to to see how they were treated and what it was like to work with the local government. There are a lot of local governments that would be willing to give them a higher percentage of abatement. One of the pluses we have is that we are known as a business friendly community. That does not mean we will jump through hoops every time businesses want something, but when we have something that is a very standard package approved by council and approved in the past when these things have come to you, I guess I just question what issues are going to come up that would cause you to wait two weeks and what you would find out in that next two weeks. If you have issues you need to deal with, that is fine, you should wait and do it. I just be very interested in what those issues are because there has been due diligence as far as the application being filled out; the Safety Service Department have gone through that; we have had the Negotiating Team meeting.

Leathers: I propose we call for the question and make the motion to suspend the rules and see where it lies.

Leathers moved and Corfman seconded that the rules, regulations, and statutes requiring a reading of a resolution on three separate days be suspended. Roll call vote. Ayes all, except Vance. Motion carried.

Leathers moved and Landaw seconded that Resolution 20-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

RESOLUTION 21-08

Leathers moved and Landaw seconded that Resolution 21-08, a resolution authorizing the General Board of Control to enter into a contract and/or contracts for the repair of the storm sewer under the Norfolk Southern Railroad located east of Walnut in the City of Orrville, Ohio, be placed on first reading. Roll call vote. Ayes all. Motion carried.

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Jewell: Right now the construction estimate for this project is \$42,400. We believe this original tile was installed around 1939. Last year when we had the last of the tile that was south of this we took a look at the tile under the railroad tracks and at that time we noticed an old steel culvert. We noticed the condition of that culvert was not as it should be and part of it is rusted out. We have been working with our Engineer and discussed the different possibilities of whether or not we should get new tile or line the tile that is there now. Their preference was that we use another steel culvert and line the existing tiles. We looked at that and that will work for us hydraulically. This is a project we would like to do sometime this construction year. The plans are not totally done at this time and it does not need to be passed on first reading.

Corfman: This is similar to the one that collapsed last year, right?

Jewell: It is right next to it. The one that collapsed last year was a piece of concrete.

Corfman: We have the same problem coming. It just has to be done. There is no real debate about it.

Jewell: There is no real debate about whether the project should be done. It should be done sometime. If not now, it will be a problem in the future.

RESOLUTION 22-08

Leathers moved and Landaw seconded that Resolution 22-08, a resolution authorizing the General Board of Control to enter into a contract and/or contracts for the update of the police/fire dispatch console without bidding through the State of Ohio Contract #573077-0-3, be placed on first reading. Roll call votes. Ayes all. Motion carried.

Aspiras: It is my understanding there is grant money available for this, correct?

Jewell: There is grant money available. The cost of the console is share 50/50 between the police department and the fire department. Last year the fire department applied for a FEMA grant and we were successful in obtaining that grant so that will pay for the majority of the fire side of the cost. The police would pay for the other part of it. Grant funds total \$63,197 and the City's share is \$77,241. The FEMA grant pays 90% of the fire department's 50%. This console that we have was put in service in the early to mid-90s. The last few times we have had to obtain replacement parts for it, they have had a difficult time because most of the buttons are outdated. All the technology today, instead of having a big console in front of you, is more of a desk like setting with touch screen monitors. It would be done through the State of Ohio contracting. This does not have to be passed on first reading.

RESOLUTION 23-08

Leathers moved and Landaw seconded that Resolution 23-08, a resolution authorizing the General Board of Control to enter into a contract and/or contracts for the renovation of the basketball courts at Orr Park in the City of Orrville, Ohio, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Jewell: As with many of the projects we are doing this year, we have grant funds to offset the cost of this project. We first looked at just doing an asphalt overlay and then the other option they looked at was actually removing the court so you wouldn't have the reflective cracking and then place asphalt there along with the surface on top. It is actually cost effective to do an entire removal and replacement with asphalt. The cost is estimated at \$58,500. We have a grant from the Nature Works program through the Ohio Department of Natural Resources and they will pay 75% of the cost. The City's share will be \$14,625 and the grant will be \$43,875. We are not really ready to go to bids on this, but we do have a cost estimate so that is why I brought it forward, but it doesn't have to be passed on first reading.

Leathers: What is your time from on construction for that?

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Jewell: The time frame would be to get it done this summer some time. I believe we have until maybe October.

Handwerk: You were looking at after the 4th of July though, right?

Jewell: Right, we don't want it torn up over the 4th of July.

Aspiras: The Parks and Recs Committee has spent a lot of time on this. I went back through some of the notes and conversation back to early 2006. I think a lot of work has been done by everyone. We have gotten some good input from the public. Don Short and Kent Smith had some input. For \$14,000 if you look at what we are going to get, it is a bargain. I think we have spent enough time on this.

Leathers moved and Aspiras seconded that the rules, regulations, and statutes requiring a reading of a resolution on three separate days be suspended. Roll call vote. Ayes all. Motion carried.

Leathers moved and Corfman seconded that Resolution 23-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

Leathers moved and Aspiras seconded that council go into Executive Session to discuss real estate issues. Roll call vote. Ayes all. Motion carried.

Executive session began at 8:46 p.m.

Corfman moved and Vance seconded that Executive Session be adjourned. Roll call vote. Ayes all. Motion carried. Executive Session ended at 9:03 p.m. Regular meeting resumed at 9:05 p.m.

RESOLUTION 24-08

Leathers moved and Aspiras seconded that Resolution 24-08, a resolution authorizing the Director of Public Utilities or his designee to enter into a contract and/or contracts for the purchase of a real estate parcel of approximately 9 acres and two buildings located in Orrville, Ohio, be placed on first reading. Roll call vote. Ayes all. Motion carried.

Leathers moved and Aspiras seconded that the rules, regulations, and statutes requiring a reading of a resolution on three separate days be suspended. Roll call vote. Ayes all. Motion carried.

Leathers moved and Corfman seconded that Resolution 24-08 be adopted as read. Roll call vote. Ayes all. Motion carried.

Safety-Service Director, Becky Jewell, presented the Safety-Service Department Strategic Plan dated May 2008 (Copy on file in Council office).

Good of the Order:

Baker: Orrville Utilities was recently recognized. There were 84 public utilities out of 2000 public power utilities in the country that were recognized and Orrville was one of those 84. The honor they earned is called The Reliable Public Power Provider Recognition from the American Public Power Association. I think our Electric Utility has proven they are a reliable public power and we should congratulate anyone that works for the utility, not only the Director or the Supervisors, but everyone of the employees there. They all deserve congratulations for that.

Vance: Some folks might remember when we changed trash providers we were no longer able to get the large 2-wheel trash containers, but they are available again.

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Jewell: I don't know when those became available again, but we were just recently made aware of it. I believe we are working on getting some information out on recycling also, because some of the items are different then what we have recycled in the past. We are trying to get together a brochure to mail out to the customers to let them know what items are recyclable.

Corfman moved and Leathers seconded that the council meeting be adjourned. Ayes all. Motion carried. Council was adjourned at 9.22 p.m.

Tamra Peppard, Clerk of Council

Date

Lyle Baker, President of Council