

The Strasburg Village Council met in regular session on Tuesday, April 4, 2023, at 6:00 pm. Mayor Steve Smith presided over the meeting. Reverend Matthew Wald led the prayer.

Members answering roll call were Kathy Burrier, Liz Dreher, Dustin Briggs, Don Wallick, Jeff Smith, and Martin Zehnder. Other's present were Legal Counsel Terry Seeberger, Village Administrator Ron Lambert, Police Sergeant Brandon Warman, Fire Chief Steve Laskey, Zoning Inspector Ted Foster, Press Representative Barb Limbacher, Mike Rosenberry, Jerry Schultz, John Bitikofer, Mike Durbin, Reverend Matthew Wald, Strasburg Franklin School Superintendent Vince Lindsey, Diana Flickinger, Wes Hostetler, Kevin Harvey, Randy Zehnder, John Samsa, James Dreher, Brad Malcuit, and Al Osler.

A motion was made by Kathy Burrier, seconded by Jeff Smith, to approve the minutes from the March 21, 2023, council meeting. At roll call, all members voted approval.

Mayor Steve Smith reminded residents that April is Child Abuse Awareness Month, reported that all streetlights will be converted to LED by 2025, invited residents to a meet and greet with the Strasburg Police Department on Monday, April 24, 2023 at 6 pm at Village Hall to address questions on the upcoming Police Levy on the ballot, and made the proclamation of the month of May is Motorcycle Awareness month.

Strasburg Franklin School Superintendent Vince Lindsey addressed council regarding the lease for the prior bus garage and stated that himself and the school board agree that the lease did not end in 2017 but that it would have renewed in 2017 for another twenty years. Lindsay noted that the village asked the school in 2012 to remove the busses from the bus garage and that the school has accrued expenses of \$ 60,000.00 since that time for rental space for the busses. Lindsay stated that being the new superintendent he has inherited this issue and that the school's attorney has been in discussion with the village's attorney and that the school is looking for a resolution to this bad decision that was made. Lindsay noted that safety of the students is the main concern of the need to house the busses back in the garage. Lindsay stated that the school was forced out of the bus garage and that they want to resolve the issue by getting the five bays back and will not ask for any money from the village for their expenses of the past years housing the busses elsewhere. Lindsay thanked Mayor Smith and council for allowing him to speak.

Mike Durbin noted that he was on council for 14 to 15 years, was actively involved, and was the broker for Lincoln Manufacturing. Durbin noted that he was present at the school board meetings in 2011 when these discussions started regarding the bus garage. Durbin noted that he supports the school and the village and hates to see that we have to come to this issue and wanted to give some facts on how this came about in 2012. Durbin noted that there were meetings that took place and that his perspective is that no one got forced out of a building. Durbin noted that Schlumberger and Lincoln Manufacturing promised substantial tax benefits in real estate taxes to the school and income tax revenue to the village and that during these negotiations the village gave up the building at the end of Railroad Avenue, a garage was built by the water plant, and the village moved the street department to the previous bus garage. Durbin noted that at the school board meeting the school agreed the new businesses would be a benefit for the school and the village. Durbin noted that the school held a luncheon catered by Malcuit's Tavern and it was open to the community.

Al Osler noted that he was employed by the school in 1977 when the grant was written to obtain funds for the bus garage. Osler noted that the lease states that the building would be jointly owned and the village had land that had no purpose so the building was built on the land. Attorney Terry Seeberger noted that the property is owned by the village and that the 1977 lease states that the building is jointly owned, but a judge may rule in the villages favor on the interpretation of the lease and it is a ground lease and that structures merge into the land and then belong to the land owner. Seeberger noted that it would be a matter of law and the judge would be the one to determine who owns the building and that the building merges at the end of the lease to the property owner. Lindsay noted that the school would like a resolution before we go to court. Osler noted that as a former superintendent and current bus driver, he has empathy when doing his check on the bus in the weather.

John Bitikofer noted that as the past mayor that he was also very involved in these meetings and the decisions that were made to benefit the school and the village. Bitikofer noted that Wes Hostetler was on the school board at that time and was involved in the decision of the school board. Bitikofer noted that the school has benefited with tax revenue from Schlumberger and Lincoln Manufacturing and was to be used to build a bus garage. Bitikofer noted that the deal took about four to five months and that we sat with the school board members and that Clough was the superintendent at that time. Bitikofer asked why the revenue was not used to build a bus garage. Bitikofer noted that he talked to Gummere years ago and he told him that the school felt they got screwed. Bitikofer noted that most schools have busses sit out and are plugged in and does not understand why the school states that they were forced out when everyone agreed back in 2012. Bitikofer noted that the school and the village have always worked together to benefit the community. Bitikofer noted that the school board members were Ed Yackey, Chris Beck, Chris Hensel, Susan Samsa, and Wes Hostetler and that Samsa was the only one that had any opposition to the bus garage issue. Hostetler noted that we were told that there would be immense infrastructure on that property and that did not happen and that the board feels that they never intended to put capital improvement on that property that we were promised.

Lindsay noted that they do not have permanent foundations on that property. Bitikofer noted that the village is not responsible for that and that the responsibility at that time was to do what was best for the town and the school and they did not ask for a tax abatement. Bitikofer noted that he was the mayor for 20 years and that it is hard to understand why everything was agreed upon then, but now why this is an issue. Durbin agreed and noted that Samsa was the only that had any problem with the transaction.

Diane Flickinger thanked the council for the spring clean-up day every year and that listening to these conversations that we are better and that are busses should not be sitting outside like other schools. Flickinger noted that regardless what the lease says she does not understand why the school cannot have the bays for the busses. Flickinger noted that we know better, and we can do better.

Lindsay noted that the school would like to hear from council in the next twenty four hours. A motion was made by Martin Zehnder, seconded by Liz Dreher, to give the school five bays at the garage if the school waives all expenses. At roll call, the vote was as follows: Zehnder, yes; Wallick, no; Smith, no; Dreher, yes; Burrier, no; and Briggs, no. Flickinger noted that she is sad, and Lindsay noted that we will all lose.

Dustin Briggs noted that he has expressed the need for resource officers to Wes Hostetler and Kevin Harvey if the school want to focus on the safety of the students. Lindsay noted that we are having these conversations and that we need to work with the police for the safety of the students. Lindsay noted that we have future projects planned that we need to have the village on board. Briggs noted that it is a tough decision and Lindsay noted that we own half of the building. Seeberger noted that he is going to instruct Briggs to not answer further questions because it is a legal issue for a judge to determine and the concern is that the meeting to discuss a possible solution has ended. Seeberger suggested that before the parties run off to court that Tuscarawas County has a very good mediator that could hopefully come up with a solution. Lindsey stated that since August we have heard no from council and there is nowhere else to go. Briggs noted that this decision hurts the community because we would need to then build a building with taxpayer's money. Briggs noted that it is not uncommon that busses sit out. Flickinger asked what would the village have to sit outside if the bays were given up. Briggs noted that we are trying to grow services to the village and will be purchasing equipment. Briggs noted that we are behind the school but it is a tough decision and not sure what the solution is. Jeff Smith noted that we want to come up with a solution also and why now and quite disappointed when we invited the board to have a discussion on our attorneys advice and also talked to Lindsey and it is a vague issue and we are now the bad guys and we want to look at development ideas for the community and the school. Smith noted that we want to extend a walking trail for the community. Flickinger noted that it feels yucky and knowing what the council has to do, it is hard. Village Administrator Ron Lambert noted that there were two bodies that made the decision in 2012. Al Osler noted that he went into the street garage and in the bays was a trailer and a dump truck and would rather have those items sit out than the school busses. Brad Malcuit expressed that he hopes that the school and village can resolve the issue without going to court.

Lambert reported that patching in the village will begin when Newton Asphalt opens next week and that the Weber Avenue project will begin this year with replacement of waterlines, curbing, and paving.

Fire Chief Steve Laskey read his report which included 36 calls of service from 3/20 – 4/3, the department held a hose advancement and search training on Sunday, March 26th, staffing is now at a level where we are filling our shifts and feel comfortable with our staffing level, asked residents to be mindful of burning times and regulations, reminded residents to watch for storm reminders on the Facebook page. Laskey noted that he and the department receive many positive comments on the department and that the three-lane on Wooster Avenue has improved their response times and that accidents have decreased.

Zoning Inspector Ted Foster read his report which included permits for fences. Foster noted that the Board of Zoning Appeals held their public hearing before the council meeting for the lot splits for James Pietro and approved the request.

Finance – Chairman Jeff Smith reported that Police Chief Warrick reached out to the committee on pending continuing education for internal affair training at a cost of \$ 325.00 per officer. A motion was made by Jeff Smith, seconded by Kathy Burrier, to approve the expense. Smith asked council on input on the proposed radio system for the village employees and asked for councils input on a logo design and mission statement for the new website. Foster suggested reaching out to the art department at the school for a logo design. Smith noted that the committee will have a meeting on Thursday, April 6th at 5 pm before the planning commission meeting.

Street & Alley – Chairwoman Liz Dreher reported that the committee met to discuss the proposed sidewalk program and that the Ohio Revised Code states that the Village Administrator is responsible for sidewalks. Dreher noted that the committee suggests starting on Wooster Avenue first and look at a system to get sidewalks improved with village funds and property owners. Lambert noted that there needs to be a framework and some guidance on how to proceed. Lambert noted that the hope is to take care of some of the worst sidewalks in the village and what funds can be allocated each year and have the property owner assist with the cost. Lambert noted that currently the village will tear out the sidewalk and remove. Lambert noted that trees

will also need to be addressed in the program. Further discussion will be held on the proposed sidewalk replacement program.

James Dreher addressed council regarding a concrete job that was done at the greenspace that he was not given the opportunity to provide a bid for. A brief discussion was held and Dreher will be offered the opportunity to bid on all future projects in the village.

Park – Chairman Dustin Briggs noted that the committee will be getting cost estimates to do another ballfield at the park this year.

Safety - Chairwoman Kathy Burrier reported 247 calls for the Police Department in March 2023.

Legal Counsel Terry Seeberger noted that Erie Valley Fire Department has expressed that the Strasburg Fire Department is moving in the right direction. Seeberger noted that he did mention that Tuscarawas County has a very good mediator and recommended that the mediator be engaged if the suit is filed. Seeberger noted that we will probably be in a lawsuit, but it does not mean that a compromise may be made in the future. Lindsay stated that at this time there is no other way to go. Dreher noted that it is a shame because we may have the chance to work it out. Seeberger noted that the mediator can be hired. Al Osler agreed that mediation is a valuable tool.

Don Wallick applauded 1982 graduate Dan Bayer on his appearance on Jeopardy on Monday, April 3, 2023. Flickinger noted that he has been in California for 35 years and stated that he was from Strasburg, Ohio.

Jeff Smith thanked the School Superintendent and the board members for attending the council meeting and noted that he hopes that we can work together on a solution. Briggs thanked everyone for their input to help to understand how it all happened. Dreher thanked everyone.

Mayor Smith thanked everyone for their input and expressed that the village is moving in the right direction with the three-lane striping on Wooster Avenue, TAP Grant & Safe Routes to School Grant applications, improving streets, and developing a sidewalk replacement program. Al Osler noted that the left turn lane is really helpful when driving the school bus. Smith noted that we are working on the electric at the green space and hope to have entertainment this summer.

Martin Zehnder noted that students should use the crosswalks at the traffic lights for safety and not at the new crosswalk at 4th Street. Lindsay noted that students have always been instructed to use the traffic light to cross.

A motion was made by Jeff Smith, seconded by Kathy Burrier, to enter into an executive session at 8:01 pm to discuss imminent court action. At roll call, all members voted approval. Council reconvened into regular session at 8:31 pm. A motion was made by Martin Zehnder, seconded by Kathy Burrier, to adjourn at 8:32 pm. At roll call, all members voted approval.

MAYOR STEVE SMITH

FISCAL OFFICER JENNIFER MAHONEY