

He reported that 170 of the 240 units at Waters Bend have been rented

Council member Atkins said people are turning left on the green light after the arrow has turned off. Bob said he will check with the state on this.

6. Solicitor Nixon updated council on the McKinley building demolition. He stated that we won in court and the first appeal but there is another time frame for them to appeal again and we have to wait and see if they do that and if not they will be demolished.
7. Nixon updated council on the meeting with 1st Financial and Bill Hines. He said a representative from Ryan Homes came as well and they are willing to kick in on fixing the gate. 1st Financial made no commitment until they look at the legal side. Keith said the resolution would be to get the temporary gate repaired and we will have another meeting in a week.
8. Mayor Smith opened the floor to the public and asked anyone speaking about the gate to please have a spokesperson and just one or two speak.

Tom Hunsche – Fredicks Stand resident – said he wished to speak about the gate problem and said the plan is for Cochran to be revamped and go through section three of the development. Bob explained the map on view as to the street locations. Tom said once Cochran is moved everything is cool. Mayor Smith stated the gate was temporary to keep construction traffic from cutting through. There are two pillars at Zoar Road that the gate will fit to become permanent. Cochran Road at end of development will be changed and will come out in Wynstead and not through the gate. He said there is an issue with Cochran being a public road and you cannot have a gate on a public road. He said it is a meaningful point that Cochran will change but don't foresee happening soon. Mayor Smith said Ryan Homes projects an 80% build out in a year to year and a half. He stated it was a productive meeting.

Marge Indermill – Grant Settlement resident – she asked if Buena Vista is a public street and was told yes and she stated if it is public then it is supported by tax dollars and it is that simple in my mind that it cannot be closed to public traffic. She stated if people are driving too fast maybe speed bumps would help. She said to keep us from going to St. Rt. 48 on a public road is not right. Mayor Smith said Cochran Road was an original county road. The new collector road will make it nice and that decision was made for the residents. He stated that the bankruptcy of the developer put a kink in it and that development is still going strong and 1st Financial is looking into everything. Mayor Smith said if the feeder is finished it will go from unsafe to finally functional. Marge asked if the construction gate would come down. Keith said there was a debate on

whether they would be private roads but it was decided they would be public roads. He said in an attempt to have an agreement Ed Rogerson and Bill Hines sat down to discuss it. Keith said there was an issue as to blocking a public road and in going through research I discovered a case that dealt with this village in 1998 where we had dump trucks going from Oeders and it was a safety issue and literally 50 – 100 trucks per day. We had testimony as to asthma and had black stop signs. The citizens were outraged because of the safety and these are huge trucks. We lost in common pleas court because the court ruled there is a fundamental right to travel and I am not sure what that is but that is what they found. Then the 12th District Court of Appeals upheld the decision. We were sued and lost about a half a million dollars because council felt as positive as they could that the reason to stop the trucks coming through town was as big a safety and health issue as you could have. Unfortunately we went all the way to the Supreme Court and they denied hearing it. So the compromise was to put up a temporary gate and at the time 80% of the development were to be complete the gate would move to Zoar Road. Now there is a sliver of the property where the permanent gate will go that is private. The access through the gate was based on Vista Pointe and those in the final phase of the Rogerson development. Marge asked with that positioning of the gate what is the villages position on it will we have access to that gate? Mayor Smith stated based on the agreement between the developers specific people are to get keys on Zoar Road and that is what we are trying work out. Mayor Smith said some things take time and we are trying to get this worked out and my concern is that you are taken care of. Mayor Smith explained that the first premier development was Stone Brook and Rogerson's property is in all of those developments. Stone Brook was so successful they purchased land and developed Vista Pointe. He said the tie in from Stone Brook to Vista Pointe has always been there. He said we are the only community with building and Ryan Homes said our development is number one in sales. Mayor Smith said the agreement sets the parameters and the village is mindful not to go outside the parameters or else we put ourselves out for a suit. Mayor Smith said that all the players are at the table and it is a step in the right direction and this is the first time some of them have heard this information and issues.

Deb Casper – 413 Vista Ridge Drive – stated she believes that in the agreement it was designated how many people on the other side were to get clickers. She said she understands the explanation of the law suit and right to the road but when we bought our home it was a dead end there and we thought we were buying in a development with a dead end. She said the speeders are out of control. Keith stated first the gate needs to be fixed and according to Ryan Homes it won't be long and the gate will be moved to the permanent site. Keith said developments have stubs and then more land is annexed and developed and the developments are then connected and that is common practice but I don't know how your

development was marketed. Sturtevant said before this agreement was reached he thought there was an eminent domain dispute getting ready to happen because Rogerson said the tie would be best for his developments.

Carbo said after the agreement was reached and the construction gate was there Vista Pointe did not have cut through and traffic problems were resolved. She said it was agreed that Homestead would have clickers. There were pre-determined hours and it was operational and it worked perfectly. She said if you read the minutes from then they are the same issues today as to why it was put in place. Madison stated that the agreement was made by two developers. Sturtevant said all these agreements were private and did not come through this council and we are trying to get it resolved. Deb Casper said she just wants to remind everyone that it was specific who gets clickers and she does not want this to be a whole new ball game. She said she is sorry for the people on Zoar but if everyone gets clickers you may as well leave it open.

Skip Watson – 274 Vista Ridge – Our homes are the most valuable investment we make. Would there be a road without the developments and Mayor said yes that Cochran Road has always been there and will be eliminated. Skip said the concern is safety for the children and the gate is wanted for safety issues. He said the local police are there all the time. He stated as an investor he he would not have bought there. He said council has a responsibility for for safety. Skip said it is deception from developers.

Carl Danowski – Grant Settlement – Stated we need transparency and a time line of when this is happening. Mayor Smith said if anyone would like notice they can leave an email with the administrator. Carl said his second point is that is the nicest road we have to travel and the safest. He said he understands the concerns but Zoar Road is dangerous and if we are shut out you need to make something happen for us to be safer. He said we all pay taxes and something needs to be done before something happens. He said he does not like to come down Zoar and through Main Street because of the riff raff that is down there.

Joann Acomb – Fredericks Stand – I don't think Marge's question was answered as to is it a public road or not. Keith said the gate now is a temporary gate and is to be open certain hours then it is moving to Zoar Road as a permanent gate and in conjunction Cochran being re-routed through Wynstead. Joann said they are concerned about children and safety and we have older people and I cut through and I don't speed. I don't think Zoar is safe and I have comfort coming through your neighborhood. Mayor Smith said we understand where you are coming from and there will be a solution. He stated our concerns are for our citizens. He said the transparency will be there on this issue.

Dave McClew – Grants Pass – said he wants to clarify that Cochran is going to close off 22 and Zoar and the construction gate will move to Zoar and he was told that was correct. He asked where are the people zooming from I doubt from Zoar and 22 and around. He said there are 18 Grants Settlement and 20 Fredericks Stand homes and through Vista Pointe is the best route to Kroger and St. Rt. 48. It is a small group at the entrance that would like to have access to the area as well.

Greg Ball – HOA – Stone Brook – said they get traffic too and is the gate to stop eventually the traffic from Zoar Road and Homestead, Grants, and Fredericks Stand were explained.

Lisa Wanstrath – This issue has been going on a long time and it is not us against the other development. We are about safety and appreciate you meeting and we want the gate functioning. She said in six years the traffic has tripled and maybe something should be done to Zoar for their safety.

Sandy Teasdale – Stone Brook – said the map of St. Rt. 48 and Mason Morrow Milgrove is getting worse looking. Mayor Smith said some is not in the village. He said there is going to be a third traffic study for a light at Stone Brook and St. Rt. 48. Mayor Smith said the intersection of 48 and Mason Morrow Milgrove is to be revamped but that is triggered by the retail development and he explained the phases of upgrade to that intersection.

Don Dearwester – Fredericks Stand – There is a dip on Zoar by my house and the trucks come over fast and it makes a terrible noise and they are hard to see.

Mayor Smith closed the floor to the public.

9. Mayor Smith gave update on White Castle and Chic-Fil-A and that the bankruptcy caused liens which are all removed but one. These two restaurants are going through the process and the area is doing better than any other. LCNB when moved out there ran out of money in the ATM the first day. He said we are doing a great job.

The audience applauded.

10. Council member Atkins asked about King Avenue sidewalk and Bob said we get the backhoe tomorrow. Randall asked the yard sale sign procedure because someone said their sign was taken down. Bob said they are not permitted in the right of way. Mayor Smith said we have spent a lot of money cleaning up after yard sales. Keith said just tell people to contact Bob and he can instruct them.

11. A motion was made to adjourn the meeting at 7:30 p.m. by Atkins, seconded by Holloway, all yeas.

Sharon Louallen, Fiscal Officer

James D. Smith, Mayor