

February 15, 2017

Minutes Joint Meeting Millersburg Planning Commission and City Council

The Millersburg City Council and Planning Commission convened a joint meeting with all members present except for Council Member David Harms.

Mayor Jim Lepin called the meeting to order at 6:30 P.M. Thursday February 9, 2017

Pledge Allegiance

Mayor Lepin introduced the new City Manager Steve Hasson

The Mayor said the nature of this evening's meeting was primarily to discuss the extension of Zuhlke Lane as a through street from Wood's Road on the West to Old Salem Road on the East. He noted it is possible that after public discussion the planning commission may make some recommendation relative to the roadway. If this should occur then the Council may take up the question and act upon it also this evening. The Mayor also noted a need to discuss the timing of the Council and Commission meetings and noting that currently, one follows the other and he believed they need to be separated time wise for any number of reasons.

Attorney Forrest Reid advised he had been contacted by Council member, Scott McPhee, about possible conflict of interest and after review determined there was not a conflict and thus he could partake in this evening's dialog.

Mayor Lepin turned the meeting over to Ed Perlenfein planning commission chair.

Chairperson Ed Perlenfein asks the commission members if they had a conflict of interest that would preclude their participation and noting that he had a conflict and thus would abstain from voting. With that introduction he turned the meeting over to vice chairman, Dan Nixon, who opened the meeting for discussion, asking City planner Don Driscoll if he had any comments. Don advised he had constructed a memo for the evening's meeting that discussed Zuhlke Lane.

He said he was hopeful that the leadership would come to some accord about collector roads and noting this road had been classified in City documents with a collector status.

Thus, in his mind the road designation should have been settled. Vice Chairperson Nixon noted there was an agenda that would be relied upon to provide direction how to proceed with tonight's meeting.

With that he opened the meeting up for Commission member comments starting with possible opponent remarks. Chairperson Perlenfein read from prepared comments objecting to the extension of the road for a host of reasons and urging a no vote.

Planning Commission member Ann Peltier said she was opposed to the road connecting through.

Planning Commission member Dave Post observed that the extension of 54th Avenue [a collector designated road to the north] is much cleaner. He said the commission has heard from a number of people they are concerned about the City grabbing their land.

Planning Commission member Dennis Gunner said he liked the idea of more Cul-de-sacs because that type of configuration will slow down neighborhood traffic.

Council Member Scott Cowen thought the nature of this conversation was redundant because it was decided in November to have Zuhlke Lane as a collector street. He thought if there was concern about this roadway going through that emergency services ought to weigh in on that determination. He saw the need for the connectivity given the amount of growth and development occurring in the City. He said he supported a transportation grid system for mobility purposes. Scott said he supported the road connection and would need to hear something new to change his mind.

Chairperson Ed Perlenfein said if we accept his connection we are reliant on condemnation as the tool for its acquisition.

Planning Commissioner Steve Volger expressed concern about Zuhlke Lane connecting with Old Salem Road because that intersection is located at the start of a curve. He added, who would go west onto Woods Road as that just leads you to the rural county.

Bruce Erickson said that transportation studies supported the connection of this roadway.

A question arose what is a collector street? Don Driscoll advised that a collector street interconnects two major streets and in this circumstance connects Woods Road with Old Salem Road.

Mayor Lepin interjected that the City was not contemplating condemnation to procure roadway rather the road connection would likely occur over the next twenty years through methods of acquisition and dedication.

Bruce Erickson questioned why the City would limit its options and especially when some time in the future an interchange is planned in proximity to the Millersburg City Hall?

Steve Hasson said he had evaluated this road issue in his capacity as a land use planner and the first thing that leaps out at him is the need for connectivity. He said as a city grows it needs to have as many transportation connection options as it can gain. And the connections are not only for vehicle movement but also walkability and a need to accommodate utility services.

He added, the City needs a transportation alignment configured in a grid system to assure adequate sewer, water, gas, storm water, fiber optics, telephone connections.

He said, if the City is reliant upon a fragmented street system that means we run utility lines here and there without concert and that is not a cost effective strategy. He noted: If the City yields to a determination not to allow for connectivity because certain individuals object that action set a precedent others may rely upon to prompt similar road blockage. He added, if there is uncertainty

where roads should go then the City needs to adopt a functionally classified roadmap that identifies the road structure in its entirety. He noted City planning forecasts are for several hundred years not 10 or 15 and that the City's current predicted population build-out is 7,000 individuals but the City is likely to expand way beyond that amount. He said at some point your streets will grow congested from increase population and you will not resolve that phenomenon with a fragmented street system.

He added, if the City cannot assure predictability of where the street alignment are preserved that uncertainty poses concerns for developers who would invest here and it may deter their business investment. Finally, he noted that rarely is there a need for condemnation because a City will send out a right-of-way agent to offer fair market value for a property and then negotiate until a price can be agreed.

Mayor Lepin said his concern was road networking for the long term. He urged the commission to leave the road connection intact.

Attorney Forrest framed the question: you folks need to come to a decision do you wish to keep Zuhlke Lane on the book as a potential street which would be a collector street and if you do intend to keep it on the books as a collector street Ed's [Perlenfein] subdivision would be approved as is. If on the other hand you folks decide to eliminate this road alignment you would make a recommendation to the Council and that is why we have the Council here to hear the same information.

The Council has the discretion to accept or reject your recommendation. With this in mind do you wish to make a different recommendation about Zuhlke Lane and noting Zuhlke Lane is a planned collector street. Also regardless of outcome - you can always revisit this issue. If it should be deleted and that action affirmed by the council then likely Ed's subdivision would come back to you for land use adjustment based on the action.

Planning Commission member Connie Lepin inquired how the collector street, which is identified in the comprehensive plan could be amended without first amending the plan.

Mayor Lepin said it is currently classified in the plan as a local street. He noted that the elimination of this roadway may affect certain development plans now in formative stages.

Steve Hasson stated that you need to take actions in concert with your plan. If you intend to take a course of action contrary to your plan you need to go back and amend it so that it agrees with your action.

Councilmember Don Miller wished to see a show of audience hands of who would be affected positively or negatively by this action.

Commission member Ed Perlenfein clarified he was looking for the abandonment of Zuhlke Land from Woods Road to Mark Burrows property as he did not intend to impact his future subdivision plans.

Vice Chairperson Nixon said it was time to close debate and make a motion.

Planning Commission member Scott Stimpson said after listening to comments by the new city manager and his assessment of the importance of connectivity he saw the need for the road to continue as a through collector street. Accordingly, he made a motion to continue Zuhlke Lane as a through street as voted on in November and seconded by Commission member Connie Lepin. Essentially a motion to confirm what was approved in November. Motion carried with Commissioner's Dave Post and Ryan Penning voting no and Ed Perlenfein abstaining.

At this juncture Vice Chairperson Nixon turned the meeting back over to Mayor Lepin who proceeded to the next item on the agenda that being coordination of planning commission and council meetings. The Mayor expressed the opinion the meetings ought to occur on separate days rather than one after the other which resulted in meetings continuing until late at night.

Steve Hasson inquired of attorney Forrest Reid what was the timeframe for appeal of a commission decision to Council. He replied a party has to appeal a land use decision within 15 days after the notice of decision is mailed and notice of the review shall be mailed at least 20 days prior to the date of the review so conceivably a matter can be appealed and heard within a 35 day timeframe.

After discussion it was determined to hold the planning commission meetings at 6:00 P.M. on the 3rd Tuesday starting in March and the Council meetings shall continue to be held on the second Tuesday of the month at 6:30 P.M.

Other matters: Mayor Lepin said we need to get busy on updating the comprehensive land use plan because the last time it was really updated was 2001. He said it was a planning commission function and hopeful a committee could be convened shortly for that purpose to include considerable public participation. He said as part of the update we need to look at trails and bicycle paths. Considerable discussion followed about the purpose and value of a comprehensive land use plan.

City Council member expressed concern that road preservations ought to be in the form of right-of-way dedications as opposed to easements. There was general agreement about the need for right-of-way dedication. When land is dedicated by that means it comes off the tax roll and into public ownership and the City has responsibility for its care and maintenance. The City may provide the adjoining property owners the opportunity to use the right-of-way through license agreement until such times as it is needed for transportation purposes.

Meeting adjourned 8:00 P.M.