

HARTLAND TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING FINAL MINUTES
November 06, 2024 – 7:00 PM

1. Call to Order

The meeting was called to order by Supervisor Fountain at 7:00 p.m.

2. Pledge of Allegiance

3. Roll Call

PRESENT: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane, Trustee McMullen, Trustee O'Connell, Trustee Petrucci

Also present were Township Manager Mike Luce, Planning Director Troy Langer, and Public Works Director Scott Hable.

4. Approval of the Agenda

Move to approve the agenda for the November 6, 2024 Hartland Township Board meeting as presented.

Motion made by Trustee Petrucci, Seconded by Trustee O'Connell.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane, Trustee McMullen, Trustee O'Connell, Trustee Petrucci

Voting Nay: None

Absent: None

5. Call to the Public

Jason Fowler came forward to address the issues he felt we have with Chick-Fil-A coming in. He stated he welcomes Chick-Fil-A but wanted to address the impact this will have on traffic on Blaine Rd. He stated he attended several Planning Commission (PC) meetings and was not impressed with the PC. He stated there is a handbook that addresses PC policies and procedures for Michigan legislature that apply in this situation that the PC determined did not apply in this case, and he wanted to make sure we were reviewing everything accordingly. He asked that when the Board reviews this plan they consider the impact this will have on Blaine Rd. from a feasibility standpoint. He stated if you are heading west on M-59 the last place to turn on to Blaine Rd is the Blaine Rd. exit and if you miss this you cannot turn around on M-59. He stated this would affect every community that lives off Blaine Rd. and if the M-59 turn lane at Blaine Rd is backed up, the only route would then be to take Old US-23 to Hyne to Maxfield and come all the way back up, or to turn around in a gas station once you pass Old US-23. He stated statistics from Chick-Fil-A and the timing of the traffic light at Blaine Rd. that would not be able to move that type of traffic flow. He stated that some site plan modifications could help this situation, such as utilizing the Rural King service drive. He stated many other Chick-Fil-A's throughout Michigan use private drive only and don't have an exit on to any major road, which is why he thought Chick-Fil-A is proposing to close the M-59 exit, because they know the impact they will have on traffic will flow back to US-23 and cause gridlock. He asked the Board to impact the PC to make sure they review the plan. He stated that just because they meet our requirements it is not an automatic approval. There are many various impact assessments that need to be weighed in. He stated that we should look at long term solutions, not just short term, including the effect on nearby businesses. He stated there is a concern with the back up of cars in the left lane of M-59 trying to make the turn onto Blaine Rd. to get into Chick-Fil-A, and he stated that MDOT needs to be involved to review traffic at this intersection with the Chick-Fil-A traffic considerations.

Chuck Hilger stated he agreed with Mr. Fowler's statements, and he stated there is a responsibility of the Board to look at traffic impacts. He stated he reviewed the ITE guidelines for the Redwood Development and cited statistics that add to the traffic through the M-59 and Blaine Rd.

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intersection. He stated he has not seen a formal traffic study for this intersection. He asked the Board to look at traffic in this intersection during the morning and evening rush hours and to assess the traffic impact on the overall strategy for this project.

6. Approval of the Consent Agenda

Move to approve the consent agenda for the November 6, 2024 Hartland Township Board meeting as presented.

Motion made by Treasurer Horning, Seconded by Trustee Germane.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane, Trustee McMullen, Trustee O'Connell, Trustee Petrucci

Voting Nay: None

Absent: None

- a. Approve Payment of Bills
- b. Approve Post Audit of Disbursements Between Board Meetings
- c. 10-1-24 Hartland Township Board Regular Meeting Minutes

7. Pending & New Business

- a. Site Plan #24-010 Redevelopment of site – proposed restaurant with drive-through service (Chick-fil-A), Planned Development (PD) Concept Plan (10382 Highland Road)

Leslie Accardo, Senior Project Manager of PEA Group, came forward representing Chick-fil-A. Planning Director Troy Langer gave a brief overview of the Planned Development (PD) process stating it is basically a three step process. Director Langer stated the first step is conceptual review where the applicant presents their conceptual site plan for a project to the PC. There is no formal action taken at this point as the PC just gives the Applicant feedback. The conceptual review then goes to the Board for a similar hearing where no formal decision is made and feedback is provided. He stated that if the project moves forward the next step is the preliminary plan where the Applicant provides a more detailed site plan to the PC and a public hearing is held at the PC. The PC would then make a formal recommendation to the Township Board, who would review the plan and make a final determination on the preliminary plan. He stated if the preliminary plan moves forward the last phase is the final review that is looking more at the legal instruments such as the easements, the PD Agreement, and possibly Master Deed documents. Once these documents are prepared and reviewed by the Township Attorney they would be taken to the PC. The PC would provide a recommendation to the Board who would review the recommendation and if approved the property would be rezoned to Planned Development. The PC reviewed the conceptual plan on October 10th, and it is now before the Board. He gave a brief overview of this project, a Chick-Fil-A at the southeast corner of M-59 and Blaine Rd. The Applicant is proposing to tear down the existing building and redevelop the site with a new slightly larger building in a different location, with two drive through lanes and some outdoor seating. They are also proposing to close the access site from M-59. Director Langer stated that in the PD process they work with many entities such as MDOT, the Livingston County Road Commission (LCRC), the Livingston County Drain Commission (LCDC), Great Lakes Environment and Energy (EGLE), and the County Building and County Health Departments at various stages of the project. He stated we have reached out to MDOT and the LCRC with this concept plan and both have indicated there is no need for a traffic study at this time. Supervisor Fountain stated that in 2004 when the two major developers paid for the redesigned of this section of M-59, MDOT designed the expansion to handle traffic for all of the vacant properties for both sides of M-59 at that time. He stated he was not sure if there has been a complete review of this design since then. Director Langer stated that we will still look to mitigate traffic concerns in this area. Treasurer Horning indicated that not all the Chick-Fil-A traffic will

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need to go down Blaine Rd. as you can still access the site through the M-59 Rural King entrance. Manager Luce inquired as to when MDOT and the LCRC get involved in a project and Director Langer stated we get them involved at the concept stage but, would require comments from them before the public hearing at the preliminary plan phase. Trustee Germane inquired as to whether our ordinance requires a traffic study be prepared by the Applicant and Director Langer stated it does but, it would probably be a different type of study that indicates traffic counts and would not address a redesign of the intersection. Trustee Petrucci further stated the in 2004, the two developments at this location were proposing over one million square feet of retail space and there were engineers from the Township, the Developer, MDOT, and the County that designed the plan for the M-59 improvements to handle this. He further stated that we are no where near one million square feet of retail space, but he agreed that traffic is a concern and stated the PC will do their due diligence to try and resolve some of the traffic issues. A brief discussion was held on various internal traffic flow ideas regarding Chick-Fil-A's design, ingress and egress onto Blaine Rd. at various locations, various M-59 access points, additional signage, timing of the lights in this area, and the use of the Rural King service drive. Trustee Germane inquired of the Applicant if this Chick-Fil-A is classified as a small, medium or large Chick-Fil-A site and the applicant responded that this was the typical size of the ones they are doing in Michigan. Trustee Germane also inquired as to whether the the lot size for this concept plan would be too tight, just right, or oversized. The Applicant responded that the site plan went through multiple iterations of the plan and this was the layout that flows the best, allowing for stacking of 50 cars within the drive through lanes. Trustee Germane also inquired as to the potential public benefit, even though this is usually done at the preliminary plan phase, and the Applicant stated that this would be discussed with Director Langer as we go forward. Trustee Germane also inquired of Director Langer if a PD is subject to our normal setbacks and Director Langer stated that these are negotiable items in a PD. Trustee Germane also inquired as to landscaping and the Applicant stated there was more greenspace than the sketch really indicates for landscaping.

b. Approve Five-Year METRO Act Permit Extension for AT&T

Manager Luce stated that this Metro Act Agreement with AT&T is the standard agreement for large utility companies to allow them to put utilities in the right of way in Hartland Township for a fee. This is a renewal of the agreement signed in 2019 and will run through 2029.

Move to authorize the Township Supervisor to sign the Metro Act right of way permit extension with AT&T.

Motion made by Treasurer Horning, Seconded by Trustee McMullen.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane,
Trustee McMullen, Trustee O'Connell, Trustee Petrucci

Voting Nay: None

Absent: None

c. DVM Settlement and Release Agreement

Manager Luce stated that this settlement is the conclusion of the two year legal issue with DVM regarding the installation of the water main line to the east of the Township. He stated the settlement is favorable for the Township from what it could have been in the initial complaint.

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Move to approve the Settlement and Release Agreement as presented.

Motion made by Trustee Germane, Seconded by Trustee Petrucci.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane,
Trustee McMullen, Trustee O'Connell, Trustee Petrucci

Voting Nay: None

Absent: None

8. Board Reports

Trustee Germane - No report.

Trustee O'Connell - No report.

Trustee McMullen - No report

Trustee Petrucci - Thanked the voters for their support in re-electing him and thanked Clerk Ciofu for all of his work on this election. He also thank Trustee Germane for his service over the years as he did not seek re-election this term.

Clerk Ciofu - Stated that the November 5, 2024 Election went very smooth and that during the nine days of Early Voting we had 3000 people vote. To put this in perspective, he stated that in the August Primary nine days of Early Voting we had 167 voters. He stated that we had around 4500 Absentee Ballots and around 2800 voters at the precincts. Overall turnout for the Election was 80%, just slightly higher than the overall County turnout of 79%. He thanked the residents and voters in Hartland for there respectful manners during the Election, as we had no issues with voting or campaigning during this Election.

Treasurer Horning - Presented the Annual Report for the Senior Center for 2024 and stated the most important things to mention were the Wellness program, as they have over 15 physical fitness programs going on each week in the building, and the Transportation, where they have provided significant transportation at a very minimal cost. She stated that over half of the visitors to the Senior Center are Hartland residents and she would like to see the Board consider an increase in funding for the Senior Center, as well as the Teen Center as has been proposed by Trustee Germane.

Supervisor Fountain - No report.

[BRIEF RECESS]

9. Information / Discussion

a. Manager's Report

Manager Luce stated that we will be cancelling the Board meetings on December 3rd and December 17th and will hold a single meeting in December on December 10th. He also stated that there will be a Joint Board/PC meeting to review a sample traffic study on a December 12th at 7:00 p.m. Manager Luce congratulated the incumbent Board members on their re-election to the Board and stated Brett Lubeski will be the newly elected Board member replacing Trustee Germane who did not run for re-election. He stated at our next meeting, we will be swearing in the new Board as they will take office at noon on November 20, 2024. Trustee McMullen inquired as to the schedule of projects and other project opportunities, regarding the newly passed road millage. Manager Luce stated collections on the millage would start in December and the major projects are Pleasant Valley, Bergin Rd. and Crouse Rd in the Village. Manager Luce and Director Hable have been working on readjusting projects to where they will realistically fall on the County schedule. Bergin Road is fully designed and would be late 2025 or early 2026 and he projected Pleasant Valley to be a 2027 project.

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b. Fire Authority Work Session

Finance Director Susan Dryden joined the meeting.

Manager Luce stated we are here tonight to discuss the financial status of the Hartland Deerfield Fire Authority (HDFA) and then turned the meeting over to HDFA Fire Chief Adam Carroll. Chief Carroll presented the HDFA Revenue and Expense Budget vs. Actuals through October 2024 and the HDFA Capital Reserve through October 2024. Discussion was held on the Capital Reserve Fund highlighting issues of the large group radio purchase project and the HDFA Financials, highlighting the change in workers comp insurers and the associated audit, and the shortfall in Contracted Services with Tyrone Township versus the budget due to fewer response calls and changes in the types of response calls. Overall, the HDFA is requesting a budget amendment in the amount of \$150,641. Supervisor Fountain stated there appears to be a cash flow problem and the Admin Committee is proposing to pay off the fire truck loan to the Township to help alleviate this issue. He proposed using funds from the Township Fire Fund to pay off this loan, which would save the HDFA around \$115,000 over the next three years. This would allow time to stabilize the operating budget and develop a plan to replenish the HDFA Capital Fund. Manager Luce gave a brief overview of the current fire truck loan payment schedule and the savings from paying off the loan early. He stated the amount of the payoff would be around \$328,650. Further discussion was held on various HDFA line item expenses and Supervisor Fountain stated the Township has a pick-up truck with a plow that we were going to sell through the MI Bid process, and he proposed letting the HDFA use this truck for snowplowing by HDFA staff at the fire stations to save on contracted maintenance costs. Discussion was also held on various HDFA revenue items such as the LC fire training and academy revenue, which is a net zero effect on expense as the revenue that is received goes back out for training expenses. Supervisor Fountain also recommended paying the HDFA portion of the radio contract out of the Township Fire Fund and Manager Luce stated that after the fourth quarter payment to the HDFA, and taking into account the items discussed here, the Fire Fund Balance would be around \$260,000. Manager Luce provided a summary of the discussion stating the Township Fire Fund would pay off the fire truck loan and interest at \$328,656, saving the HDFA around \$66,000 for the remainder of this fiscal year, in addition to the \$91,927 being requested tonight. He stated budget amendments will need to be approved by the HDFA, Deerfield Township, and Hartland Township.

10. Adjournment

Move to adjourn the meeting at 9:35 p.m.

Motion made by Clerk Ciofu, Seconded by Trustee McMullen.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane, Trustee McMullen, Trustee O'Connell, Trustee Petrucci

Voting Nay: None

Absent: None

Submitted by



Larry N. Ciofu, Clerk