

HARTLAND TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING FINAL MINUTES  
February 01, 2022 – 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 McMullen, Trustee O'Connell, Trustee Petrucci

ABSENT: Trustee Germane

Also present were Township Manager Robert West, Public Works Director Michael Luce, and Planning Director Troy Langer.

**4. Approval of the Agenda**

Supervisor Fountain reported that Cheryl Mara was appointed to the Board of Review at the last meeting and needed to sign the Oath of Office within ten days of appointment. She was unable to fit that into her schedule, and the Clerk has added the following to tonight's Consent Agenda.

d. Reconfirm Supervisor's Appointment - Cheryl Mara to Board of Review as alternate (2/1/2022 to 12/31/2022.)

**Move to approve the agenda for the February 1, 2022, Hartland Township Board meeting as amended.**

Motion made by Treasurer Horning, Seconded by Trustee Petrucci

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

Voting Nay: None

Absent: Trustee Germane

**5. Call to the Public**

Dale Brewer came forward and stated he works with DAB Property Consulting and had provided information to each of the Board members earlier and he wanted to make a couple of comments regarding Application #22-001. Mr. Brewer stated that this is an application for an automobile fueling station and convenience store and in the comprehensive plan it does state that it is planned industrial RND and within the descriptions of it there are recommendations that no heavy truck traffic to be presented there. In addition to that, he stated that there have been denials in the past for truck traffic and it needs to be taken into consideration because other people have been turned down. Mr. Brewer also would like to bring to the Board's attention that Section 6.1 (7) requires a full-scale interior layout of the property, and this has not been provided. He stated that this was fairly important because without that you have no idea what the details of the interior will be, and he cited references to discussions of a food area to serve pizza and other planned items. He also stated that there were discussions that only two employees would be required to operate the facility. He felt this would be difficult with the food management area, the convenience store stocking and maintenance, and the fuel pumping observation and only having two employee parking spots. He also stated that the underground storage tanks have not been identified on the site plan. Mr. Brewer stated that there is a requirement that the well be separated 800 feet from the underground storage tanks. He stated on sheet C3 there is no reference to

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diesel fuel and all of the pumps on that section are designated as gas pumps in both locations. He referenced the traffic study and section 4.58 (8). There was a study presented at the public hearing and since then on January 18<sup>th</sup> Mike Goyrl had made a recommendation that the number of trips is not correct as diverted trips provide a skewed number and there will be added trips to both Clyde and Runyan roads once this is completed. On January 25<sup>th</sup>, HRC also recommended that turning movements be studied and granted. He also stated that within the Michigan Access Management Guidebook they look at peak traffic counts, not overall 24-hour traffic counts. In speaking with Mike Goyrl it will be the responsibility of the Board to specifically call for a traffic study. If the Board does not it may not be done. He also stated that legacy neighbors in the area have noted problems that they would foresee with the wetlands being filled. There is a strong possibility that there is a spring at the bottom of the wetland which maintains the flow of water coming in and it also collects water for the runoff in the area. He stated he did understand how this could come before the Board at this time as there have been no minutes of the Planning Commission (PC) at this time and therefore it can go back to the PC for re-consideration until those minutes have been approved. Mr. Brewer stated that these are sufficient reasons for the Board to delay and/or send this back to the PC for additional study.

**6. Approval of the Consent Agenda**

**Move to approve the consent agenda for the February 1, 2022, Hartland Township Board Meeting as amended.**

Motion made by Treasurer Horning, Seconded by Trustee Petrucci.

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

Voting Nay: None

Absent: Trustee Germane

- a. Approve Payment of Bills
- b. Approve Post Audit of Disbursements Between Board Meetings
- c. 01-18-2022 Hartland Township Board Regular Meeting Minutes
- d. Reconfirm Supervisor's Appointment - Cheryl Mara to Board of Review as alternate (2/1/2022 to 12/31/2022.)

**7. Pending & New Business**

- a. Site Plan with Special Land Use Application #22-001 (Automobile fueling and convenience station - Clyde Road)

Supervisor Fountain gave a brief overview in that this is a site plan with a special use. The applicant has been to the Planning Commission (PC) and it was approved at that level. The plan has now come to the Board for discussion and a potential vote. The next process would be to go back to staff and Planning Director Troy Langer and go through final site plan and drawings.

Mike Noles from the Umlor Group was present representing the applicant, Michael Yatooma. Mr. Noles made some introductory comments regarding the site plan and special use and was extremely pleased to come before the Board with the recommendation for approval from the PC as well as the Planning Director and the Township's outside engineering consultant. He stated that they are in the process of working with outside agencies including Livingston County Health Department (LCHD), with regards to the well, Livingston County Road Commission (LCRC), with regards to road traffic and the entrance access points, as well as Livingston County Storm Water Management Resources. These are all outside agencies that, if approved to go beyond the site plan this evening and into final engineering and permitting, they will go before to meet all of their requirements. Mr.

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Noles reported that they are consistent with the zoning on the property. The zoning on the property is commercial and they are consistent with all of the commercial requirements on the property. With respect to the Comprehensive Plan, Mr. Noles pointed out that under the nonresidential development policies there is a list of ten or twelve policies that, either are non-applicable to them, or that they comply with, including green spaces, landscaping, building materials and pedestrian access. He also stated that the storm water management will be going through Livingston County for approval and will include the new features that comply with their storm water management, including infiltration swales. He stated that the LCHD has very specific requirements on the wells, which they comply with, citing specifications such as requiring a 200' deep well with steel casing and a concrete liner and a 75' separation from tanks, not the 800' mentioned in the call to public. These are the same requirements as for the gas station across the street. Mr. Noles gave a brief overview of the food service to be provided at the convenience store and clarified the issue regarding the diesel fuel pumps identified on many of the plans, that may have been labeled on a plan as gas pumps. He then stated he would be available to respond to questions from the Board.

Planning Director Troy Langer gave a brief overview of the project as a request for an automobile fueling station and convenience store. This is only permitted in the commercial district by a special use permit and for the most part it is only permitted in the General Commercial district. There are two parts to this request, the first part is a special use permit, and the second part is an actual site plan. The site plan is under the jurisdiction of the PC and they have reviewed this request at their January 13, 2022, meeting. The special use permit is reviewed by the PC and they make a recommendation to the Township Board. The PC reviewed the special use permit and held the public hearing at their January 13, 2022 meeting and then forwarded a recommendation to approve the request at that meeting. This project has received a recommendation from the PC on the special use permit but still needs Township Board approval of the special use permit. The project has also received approval of the site plan subject to approval of the special use permit. The last part, assuming the special use permit were to be approved, would be for the applicant to proceed with construction plans. That would be a land use permit that would be reviewed and administered by the Planning Director and staff. The review would include Public Works Department, the Hartland Deerfield Fire Authority, as well as our engineering consultant. Those plans will be in a little more detail than what the Township Board is seeing at this meeting tonight. Director Langer stated that this project is an automobile fueling station and convenience store on the north side of Clyde Road, east of Runyan Lake Road. The property is zoned general commercial. There was some discussion about the Future Land Use Map designation and the designation on the Future Land Use Map is not commercial, but it is in a research and development district. This is a case where the zoning and future land use map are not necessarily in agreement. When that happens, we are held to what the current zoning is there, and that is what governs there and what limits any development on the property. When this went to the PC, the PC was restricted to what zoning is on the property and when they reviewed the project there is a detailed stat report that is part of it.

He stated the Planning Commission goes through these cases in great depth and they spent probably over an hour going through the staff memorandum on just this case. One of the issues that came up centered on traffic. The special use permit requires that some traffic impact analysis is to be provided as part of the permit, but it does not go into detail as to how much information has to be provided at that level. The Planning Commission has a little discretionary authority as to what it can accept or what it feels is necessary or what might warrant additional information. The applicant did submit a traffic analysis that was a fairly lower level traffic impact analysis which basically provides the traffic count data that is out there. They rely heavily on the ITE manual which is a predictor of what future traffic might result from proposed use. In the report, it indicated that a trip generation from this proposed automobile fueling station would not warrant any improvements to any of the existing roadways or intersections. They also spoke with LCRC and their comment at

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that time was also that the trip generation that is anticipated for this plan is not sufficient to warrant a more detailed traffic analysis, so the LCRC will not require additional traffic studies for this proposal. There is also a condition of approval that the Township should look into the traffic study a little further. The traffic study was not only sent to the LCRC, but our own engineering firm, Hubbell, Roth & Clark (HRC). HRC came back and had a question on the pass by trips as they rely on 75% of the trips used here would be pass by trips. In general pass by trips are traffic that would be traversing down Clyde Road and then decides to pull into the gas station, so they were not necessarily making a trip to the gas station on their own. They were already driving down Clyde Road and just decided to pull into the gas station. The traffic study was using 75% of the traffic as being pass by traffic. HRC thought that 75% might be a little high and they thought they should look at an additional traffic study. There was some further discussion with the LCRC, and HRC said they would recommend to the LCRC that they do it, but they will defer to the LCRC as to whether a traffic study would be needed. The LCRC comments related to diverted trips in the traffic study. A diverted trip would be someone that is just driving down US23 and gets off at the exit to visit the site and then gets back on US23. Ultimately, the PC recommended approval of the special use permit as well as approval of the site plan for this gas station, subject to the approval of the special use permit by the Board.

Supervisor Fountain acknowledged Mr. Brewer's correspondence and state that a lot of these comments were address in the discussion and the information in the agenda package. Trustee O'Connell stated that this is her neck of the woods, and she can speak from experience with regards to the traffic situation. She stated that there needs to be another traffic study. She stated that the peak periods are not just from 8-9 a.m. and 4-5 p.m., but are much longer and that the numbers are all wrong. Trustee O'Connell stated that the traffic is her concern, and the traffic from 7 a.m. until 9:30 a.m. and from around 3:00 p.m., when the kids get out of school, until well after 6 p.m. is terrible. Trustee McMullen also stated that traffic is her concern, especially when Spicer's is at their peak season, on top of the regular traffic.

Supervisor Fountain inquired as to who has the jurisdiction when a new business wants to come in that will have an additional impact on traffic in an area that already has traffic issues. Mr. Noles stated that traffic is the LCRC's jurisdiction. When they look at a traffic study for a new business, they take a look at the level of service at the existing level of traffic. Then they add the trips that are generated by the incoming business and the traffic study looks to see if they made the traffic worse. If that traffic is worse then some additional improvements, such adding an acceleration lane, a deceleration lane, or a passing lane, may be needed to get the traffic back to where it was before the business opened. Mr. Noles stated that the impact of traffic generated from this site, because of diverted traffic and because of the trips that are already out there that are stopping for convenience, that they are not adding a significant amount of new traffic. To mitigate the impact of their development, there configuration is sufficient, so much so that the LCRC stated they did not need a traffic study for this project. He stated they did one anyway, since they heard the concerns about the traffic in the area. He also stated that a full-blown traffic study will use actual counts, which due to post COVID travel would be much lower than the ITE Trip Generation Manual numbers. Director Langer stated that if we approve a Land Use Permit, the applicant would have to get various permits from County entities, including the LCRC to construct any driveway access to those roads.

Treasurer Horning stated that it looks like the applicant is following all of Hartland Township's ordinances. Director Langer agreed but noted that with some of the requirements there are discretionary decisions that can be made by the PC. Treasurer Horning stated that she does not think a gas station here will be a destination site and she does not feel that there will be an impact with traffic based on the information she has reviewed. Trustee Petrucci inquired as to whether the

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diesel pumps will accommodate large rigs. Mr. Nolan stated that they will accommodate them and the site plan was designed for these large rigs to be fueled from both sides of the truck, and having an adequate turning radius for access into the gas station and egress around back of the station. Trustee Petrucci inquired as to whether the loading zone was where the storage tanks will be refilled. Mr. Noles stated the loading zones was for restocking the convenience store and that the storage tanks will be located to the south-east corner of the property. Clerk Ciofu stated he is concerned about the design of the gas station itself with the flow of the large rigs leaving on Runyan Lake and then having to turn right on Clyde and right again for north US23 which would appear to be a very slow process that would disrupt traffic flow. Clerk Ciofu inquired as to the whether the warm food offered at the convenience store is microwavable food. Mr. Noles stated that it is not microwaved food, but it is differentiated from the food across the street. He stated the convenience store will have a small kitchen with a warming oven and the foods will all be precooked. The food will then go in a warming station for customers to just grab. Clerk Ciofu stated he understands that their business model is for two employees, but he is still concerned as to being able to staff even a small kitchen and running a gas station during busy time and if more than two employees are needed there is an issue with overall parking spaces. Trustee Petrucci inquired as to whether the weight of diesel trucks will cause an issue with roads in this area. Director Langer stated he did talk with the LCRC about this project and he stated the issue of the weight of diesel trucks did not come up. Mr. Noles stated that the LCRC has seen the plans and if they require road changes through the construction and permitting process they will be addressed accordingly.

**Move to approve Special Land Use Application #22-001, as outlined in this memorandum.**

Motion made by Clerk Ciofu, Seconded by Treasurer Horning. Roll call vote taken

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Petrucci

Voting Nay: Trustee McMullen, Trustee O'Connell

Absent: Trustee Germane

Motion passes: 4-2-1

b. Ordinance Amendment to Section 4.6 (Ponds)

Supervisor Fountain gave a brief overview of the resolution before the Board. Director Langer provided a brief overview of the amendment stating this is an ordinance that is not widely used. He stated that if someone wanted to construct a pond on their residential property, the current pond process requires a site plan application to go to the PC and there were standards that were outlined in this process. Director Langer stated he had discussions with the Township Manager and the Admin Committee on this issue and it was suggested that maybe it could be modified so that a homeowner that wants to put in a pond would not have to go through the whole process of a site plan application, which can cost \$1200 or more. He stated we were looking for a simpler process that could be reviewed administratively and that would be a quicker turnaround for an applicant or homeowner to get an answer. The suggestion was to do an ordinance amendment to change the process from a PC review to an Administrative or Staff review. Any ordinance that is amended has to be initiated by the PC or the Township Board, so there was an initial discussion at the PC to initiate it and they directed staff to go ahead and proceed with an ordinance amendment. The PC did recommend approval and it was sent to the Livingston County Planning Commission as required. They have a 30-day time period to review it. That time has expired and Director Langer has not heard from them, so it is being sent to the Township Board for final determination. Director West gave a brief overview of the specific situation regarding a resident's pond construction and through conversations with various agencies allowed us to look at our ordinance to make this process simpler.

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**Move to approve as outlined in the Memorandum and Resolution Ordinance Amendment to Section 4.6 on ponds dated January 24, 2022, as written.**

Motion made by Trustee Petrucci, Seconded by Trustee O'Connell Roll call vote taken.

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

Voting Nay: None

Absent: Trustee Germane Motion passes: 6-0-1

- c. Resolution Confirming the Special Assessment Roll for Hartland Woods Road Improvement SAD (4 of 4)

Manager West reported that this is the 4th and final resolution needed for the Hartland Woods Road SAD. All of the public hearings have been held. He stated the residents will only pay for what the project costs and this has been based off of the estimate.

**Move to approve the Confirmation of Special Assessment Roll (4 of 4 total) for the Hartland Woods road improvement special assessment district as presented.**

Motion made by Clerk Ciofu, Seconded by Trustee Petrucci. Roll call vote taken.

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

Voting Nay: None

Absent: Trustee Germane Motion passes: 6-0-1

- d. Resolution of Intent Opposing Incorporation as a Charter Township

Supervisor Fountain stated that every ten years when a new census comes out, it is required by the State of Michigan that we make a choice as to whether we wish to be Incorporated as a Charter Township. We may go forward with a Charter Township, deny or oppose the incorporation, or put it on the ballot. Before us tonight was a Resolution to Oppose Incorporation as a Charter Township. This was reviewed by the Admin Committee and by being a Charter Township it would provide protection from being annexed, which will not be in the near future, or at any point. It would also allow a for an increase in a millage rate without the approval of the citizens and we did not feel like that would be something that the Township Board would consider. The final choice is the intent to oppose it. It is required to be listed in the local newspaper and this was done. This is a formal action that needs to be taken.

**Move to approve the Resolution of Intent Opposing Incorporation as a Charter Township.**

Motion made by Trustee O'Connell, Seconded by Trustee Petrucci. Roll call vote taken

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

Voting Nay: None

Absent: Trustee Germane Motion passes: 6-0-1

**8. Board Reports**

Trustee O'Connell - No report

Trustee McMullen - No report

Trustee Petrucci – On Saturday February 5, 2022, at 2:00 p.m. the Hartland Deerfield Fire Authority will have their Award Ceremony at the Hartland High School in the auditorium. Immediately following

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the Award Ceremony will be some coffee and treats. We hope that all of the Township Board members can attend, and the general public is invited as well.

Clerk Ciofu - Winterfest will be Saturday February 12, 2022, from noon until 6:00 p.m. with Fireworks following at dusk.

Treasurer Horning - Hartland Schools and Hartland Senior Center will be closed tomorrow, February 2, 2022, due to the snow.

Supervisor Fountain - No report.

[BRIEF RECESS]

**9. Information / Discussion**

**a. Manager's Report**

Manager West stated that Trustee Germane wanted to write the letter for the HAA exemption and we are waiting on the letter before we can go to the County. He stated with the weather that is coming we may have to enact some form of closing procedure. We generally follow what the Livingston County Building offices do regarding closing. We do have a policy in place for inclement weather. The Planning Commission's vacant position is posted on the Township website. Supervisor Fountain stated we are taking applications through February 11<sup>th</sup> and we hope to hold interviews and make a recommendation by the first meeting in March. Manager West stated that the Board and Commissions wage adjustments require a separate resolution for each position. We will have these four resolutions at the meeting where we hold the Public Hearing and approve the FY2022-2023 budget, tentatively scheduled for the first meeting in March.

**b. Hartland Township FY2022-2023 Budget Discussion**

Finance Director Susan Dryden-Hogan joined the meeting. Manager West commended the effort of Director Dryden-Hogan on her work on assisting in developing and preparing the new budget workbook. Manager West briefly described the budget book format with the highlighted explanation notes for major items. Manager West then led a discussion review of the Draft Fiscal Year 2022-2023 General Fund Budget book. Revenue items discussed were Current Real Property Tax and State Shared Revenue, including a retroactive payment from the State back to October 2021 based on the new census, Cemetery Lot Sales, Professional Review Costs, Cable Franchise Fees and a brief discussion on the FY2023-2024 projections. Manager West gave a brief overview of the reimbursement from the Water and Sewer funds for administrative services of the township staff. Director Dryden-Hogan gave a brief overview of the property tax estimates and the state shared revenue estimates. Manager West also commended the work of Assessing Director Jim Heaslip in projecting taxable values for property in the Township. He also stated that we always take a conservative approach to projecting revenues. Manager West then led a brief discussion on the budgeted expenses by department. Significant items discussed were the decrease in the Membership and Dues for Township Board, elimination of a position in the Administration Department, the Elections budget for two elections in 2022, and Legal Fee estimates for Assessing. Further discussion was held on additional hours for the Clerk's Department for the two elections in 2022, additional hours for the Deputy Treasurer in Treasurers Department, the increase in IT Contracted Services per a prorated agreement signed previously, and the increase in Contracted Services due to the transition to cleaning service for the Township Hall. Manager West reviewed the Merit/Bonus Pool line item in Unallocated that will be distributed out to the appropriate departments upon approval of this budget. He also reviewed the purpose of the Contingencies line item in Unallocated. Manager West also put in a placeholder for Police Services to ensure that

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funds will be available should we wish to proceed forward with some form of police protection contract. Other items discussed were the increase in the Lawn/Snow Maintenance for additional mulch applications in Roads & M59 Medians, Cemeteries budget which is now in the General Fund rather than its own separate fund, and the placeholder for tree removal in the cemeteries, the increase in Contracted Services in Communications for the potential Citizens Survey, and Legal Fees in Code Enforcement. Director Dryden-Hogan gave an overview of the Appropriations-Transfer Out including the Transfer Out to the Capital Improvement Fund.

**10. Adjournment**

**Move to adjourn the meeting at 9:15 p.m.**

Motion made by Clerk Ciofu, Seconded by Treasurer Horning.

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

Voting Nay: None

Absent: Trustee Germane

Submitted by



Larry N. Ciofu, Clerk