

REGULAR MEETING OF THE RIVERVIEW CITY COUNCIL
CITY OF RIVERVIEW, WAYNE COUNTY, MICHIGAN
HELD ON DAY, MONDAY, MARCH 5, 2018 A.D.
IN THE COUNCIL CHAMBERS OF
THE PETER ROTTEVEEL MUNICIPAL BUILDING
14100 CIVIC PARK DRIVE, RIVERVIEW, MICHIGAN 48193-7689

The meeting was called to order at 7:35 p.m.

Presiding: Mayor Swift

Present: Councilmembers Coffey, Towle, Elmer Trombley, James Trombley, Workman

Excused: Councilmember Blanchette (Ill)

Also Present: City Manager Drysdale, City Clerk Hutchison, Police/Fire Chief Rosebohm, Human Resources Director Mayerich, Finance/ Purchasing Director McMahon, Parks and Recreation Director Dickman, Information and Technology Director Harper, Department of Public Works Director Webb, Director of Solid Waste Bobeck, Interim Golf Course Operations Manager Kettler, Carlisle Wortman Community Development Director Scurto, Charles E. Raines Company City Engineer Sabak, Cornerstone Environmental Group Sr. Project Manager Wintheiser, Project Manager Bowyer, Attorney Pentiuik

The **Pledge of Allegiance** was led by a group of Third Graders from Forest Elementary School.

The **Invocation** was given by Councilmember Towle.

AWARDS AND PRESENTATIONS AND PROCLAMATIONS:

None.

MINUTES:

Motion by Councilmember Coffey, seconded by Councilmember Elmer Trombley, that the **Minutes** of the Regular Meeting of **February 20, 2018**, and the condensed version for publication, be **Approved**.
Carried unanimously.

PUBLIC HEARINGS:

None.

PUBLIC COMMENTS:

At this time, the Mayor asked if anyone wished to address the City Council.

ORGANIZATIONAL BUSINESS:

Motion by Councilmember Elmer Trombley, seconded by Councilmember James Trombley, that the reappointment of Mr. Ronald Miller to the **Building Authority** to a six-year term set to expire **April 1, 2024**, be Approved.
Carried unanimously.

CONSENT AGENDA:

At the request of Councilmember James Trombley, the following was removed from the Agenda for further review:

- Authorize the Preparation of **Plans and Specifications**, the **Solicitation of Bids** and Performing Contract Administration, Inspection, Testing, Marking and As Built Measurements by **Charles E. Raines Company** in the amount of **\$36,210.00** for the **2018 Sidewalk Replacement Program**.

Motion by Councilmember James Trombley, seconded by Councilmember Coffey, that the **Consent Agenda** be Approved as follows:

- Award **Bid** and Authorize Execution of **Agreement** with **WASTEQUIP Manufacturing Company** for the **Purchase** of two (2) **Roll Off Containers** for the Land Preserve in the amount of **\$10,120.00**.
- Approve a **two (2) year Extension** with **American Fireworks Company** for the Annual **Summerfest Fireworks Display** in the **annual** amount of **\$12,000.00**.

Carried unanimously.

RESOLUTIONS:

None.

ADMINISTRATION:

Motion by Councilmember Coffey, seconded by Councilmember Elmer Trombley, that Authorization to Execute **Change Order No. 1** of Bid Number 2364, **Cell 7 Phase 2**, to **Ryan Incorporated Central** for **\$237,000.00**, be Approved.

Carried unanimously.

ORDINANCES:

Motion by Councilmember Coffey, seconded by Councilmember Workman, that the Clerk be Authorized to give the **Second Reading**, by title only, of Proposed **Ordinance No. 700**, Updating **Sections 86-247**, “Denial, Suspension or Revocation” and **86-248** “Right of Appeal” in regards to **Contractor Licensing**.

Carried unanimously.

PROPOSED ORDINANCE NO. 700

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY THE REPEAL AND READOPTION OF SECTION 86-247 “DENIAL, SUSPENSION OR REVOCATION”, AND SECTION 86-248 “RIGHT OF APPEAL”, OF ARTICLE VII “CONTRACTORS”, IN CHAPTER 86 “BUILDINGS AND BUILDING REGULATIONS”, OF SUBPART B “LAND DEVELOPMENT REGULATIONS”, TO UPDATE THE SECTIONS.

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I: AMENDMENT: That Section 86-247 “Denial, Suspension or Revocation”; and Section 86-248 “Right of Appeal”; of Article VII “Contractors”, in Chapter 86 “Buildings and Building Regulations”, of Subpart B “Land Development Regulations”, are hereby repealed and readopted to hereafter read as follows:

Subpart B Land Development Regulations
Chapter 86 Buildings and Building Regulations
Article VII Contractors

Sec. 86-247. - Denial, suspension or revocation.

The community development director, upon recommendation of the city engineer or the chief building official, shall have the right to deny, suspend or revoke any license if such is determined to be necessary to safeguard life, health, property or general public welfare.

Sec. 86-248. - Right of appeal.

When, upon action taken by the community development director, issuance of a license required by this division is denied, or the license has been suspended or revoked, the contractor or subcontractor shall have the right to formally petition the city manager for a hearing on the matter, and the city manager, or his designee, may, at his option, set up a public hearing to determine the merits of the case and either affirm or disaffirm the action of the community Development Director. Any person aggrieved by the decision of the city manager, or his designee, shall not in any way be deprived of due process of law, nor shall his right be negated to appeal to the circuit courts. The city manager shall promptly notify the council of all appeals and decisions thereon.

ARTICLE II. Penalty: A person violating this ordinance shall be punished in accordance with Section 1-8 of the Code of Ordinances of the City of Riverview, unless a different penalty is expressly provided in this ordinance.

ARTICLE III. Severability: Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any Court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentence, phrases or portions of the Ordinance.

ARTICLE IV. Conflicting Ordinances: All prior existing ordinances adopted by the City of Riverview inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE V. Reading and Publication: This Ordinance shall be given a first reading on February 20, 2018, shall be given a second reading on March 5, 2018, shall be adopted on March 5, 2018 and shall be published and become effective upon publication. The Clerk shall publish a summary of this ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the Clerk's office.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Riverview this 5th day of March, 2018.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the City Council of the City of Riverview at a regular meeting held on March 5, 2018

Cynthia M. Hutchison, City Clerk

Motion by Councilmember James Trombley, seconded by Councilmember Coffey, that Proposed **Ordinance No. 700**, be **Adopted**.

Carried unanimously.

Motion by Councilmember Coffey, seconded by Councilmember Elmer Trombley, that the Clerk be Authorized to give the **Second Reading**, by title only, of Proposed **Ordinance No. 701**, regarding the Repeal and Readoption of **Sections 14-48, 14-209, 14-391** in regards to the "**Denial, Revocation and Suspension of Licenses and Permits** and the **Appeal Process** at they pertain to **Business** in General, Junk Dealers and Peddlers.

Carried unanimously.

PROPOSED ORDINANCE NO. 701

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY THE REPEAL AND READOPTION OF SECTION 14-48 "DENIAL, REVOCATION, SUSPENSION GENERALLY" OF ARTICLE II "LICENSES AND PERMITS"; AND SECTION 14-209 "DENIAL, REVOCATION, SUSPENSION GENERALLY" OF ARTICLE V "JUNK DEALERS", DIVISION 2 "LICENSE"; AND SECTION 14-391 "DENIAL, REVOCATION, SUSPENSION GENERALLY", AND SECTION 14-392 "APPEALS PROCEDURE" OF ARTICLE VIII "PEDDLERS", DIVISION 2 "LICENSE", IN CHAPTER 14 "BUSINESSES", TO UPDATE THE SECTIONS

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I: AMENDMENT: That Section 14-48 "Denial, revocation, suspension generally", of Article II, "Licenses and Permits"; and Section 14-209 "Denial, revocation, suspension generally" of Article V "Junk Dealers", Division 2 "License"; and Section 14-391 "Denial, revocation, suspension generally" and Section 14-392 "Appeals Procedure" of Article VIII "Peddlers", Division 2 "License", of Chapter 14 "Businesses", are all hereby repealed and readopted to hereafter read as follows:

Chapter 14 Businesses Article II Licenses and Permits

Sec. 14-48. Denial, revocation, suspension generally.

- (a) The issuance of licenses by the city may be denied by the city clerk, and licenses issued may be revoked or suspended by the city clerk at any time, for any of the following causes:
- (1) Fraud, misrepresentation or false statement contained in the application;
 - (2) Fraud, misrepresentation or false statement made when engaging in business;
 - (3) Any violation of this article or of any other ordinance of the city;
 - (4) Conviction of any crime or misdemeanor involving moral turpitude;
 - (5) Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

- (b) Written notice of suspension, revocation or denial of a license under subsection (a) of this section, stating the cause or causes therefor, shall be delivered to the licensee personally or mailed to his address as shown in his application for a license.
- (c) Any person whose license is revoked or suspended, or any person whose application for a license is denied, shall have the right to a hearing before the city manager, or his designee, provided a written request therefor is filed with the city clerk within ten days following the delivery or mailing of the notice of revocation or suspension, or within ten days following the denial of the application for a license.
- (d) The city manager, or his designee, may reverse any determination to issue or to deny the issuance of a license or any revocation or suspension of a license, and may grant or reinstate any license. No person shall operate any business during any time when his license therefor has been suspended, revoked or canceled. The city manager shall promptly notify the council of all appeals and decisions thereon.

Chapter 14 Businesses
Article V Junk Dealers
Division 2 License

Sec. 14-209. – Denial, revocation, suspension generally.

- (a) A license may be denied any applicant under this division and any license may be revoked or suspended by the city clerk at any time, for any of the following causes:
 - (1) Fraud, misrepresentation or false statement contained in the application;
 - (2) Fraud, misrepresentation or false statement made when engaging in business as a junk dealer;
 - (3) Any violation of this article or of any other ordinance of the city;
 - (4) Conviction of any crime or misdemeanor involving moral turpitude;
 - (5) Conducting business as a junk dealer in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- (b) Written notice of suspension, revocation or denial of a license under subsection (a) of this section, stating the cause or causes therefor, shall be delivered to the licensee personally or mailed to his address as shown in his application for a license.
- (c) Any person whose license is revoked or suspended, or any person whose application for a license is denied, shall have the right to a hearing before the city manager, or his designee, provided a written request therefor is filed with the city clerk within ten days following the delivery or mailing of the notice of revocation or suspension, or within ten days following the denial of the application for a license.
- (d) The city manager, or his designee, may reverse any determination to issue or to deny the issuance of a license or any revocation or suspension of a license, and may grant or reinstate any license. No person shall operate any business during any time when his license therefor has been suspended, revoked or canceled. The city manager shall promptly notify the council of all appeals and decisions thereon.

Chapter 14 Businesses
Article VIII Peddlers
Division 2 License

Sec. 14-391. - Denial, revocation, suspension generally.

- (a) A license may be denied any applicant under this division and any license may be revoked or suspended by the city clerk for any of the following causes:
 - (1) Fraud, misrepresentation or false statement contained in the application;
 - (2) Fraud, misrepresentation or false statement made when engaging in business as a peddler;
 - (3) Any violation of this article or of any other ordinance of the city;
 - (4) Conviction of any crime or misdemeanor involving moral turpitude;
 - (5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or

general welfare of the public.

- (b) Written notice of suspension, revocation or denial of a license under subsection (a) of this section, stating the cause or causes therefor, shall be delivered to the licensee personally or mailed to his address as shown in his application for a license.

Sec. 14-392. - Appeals procedure.

Any person deeming himself aggrieved by the city clerk in the denial, revocation, or suspension of a license under this division may, within ten days, file a written request for a hearing with the city manager, or his designee. The city manager, or his designee, shall set a time and place for a hearing and notice thereof shall be given to the appellant. Upon such hearing, the city manager, or his designee, shall determine whether the license should be denied, revoked, or suspended and such determination shall be final and conclusive. The city manager shall promptly notify the council of all appeals and decisions thereon.

ARTICLE II. Penalty: A person violating this ordinance shall be punished in accordance with Section 1-8 of the Code of Ordinances of the City of Riverview, unless a different penalty is expressly provided in this ordinance.

ARTICLE III. Severability: Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any Court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentence, phrases or portions of the Ordinance.

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ARTICLE V. Reading and Publication: This Ordinance shall be given a first reading on February 20, 2018, shall be given a second reading on March 5, 2018, shall be adopted on March 5, 2018, and shall be published and become effective upon publication. The Clerk shall publish a summary of this ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the Clerk's office.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Riverview 5th day of March, 2018.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the City Council of the City of Riverview at a regular meeting held on March 5, 2018.

Cynthia M. Hutchison, City Clerk

Motion by Councilmember James Trombley, seconded by Councilmember Coffey, that Proposed **Ordinance No. 701**, be **Adopted**.
Carried unanimously.

Motion by Councilmember James Trombley, seconded by Councilmember Coffey, that the Clerk be Authorized to give the **First Reading**, by title only, of Proposed **Ordinance No. 702**, Amending **Minor In Possession** Ordinance Section **38-392**, regarding **Alcohol**.
Carried unanimously.

PROPOSED ORDINANCE NO. 702

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY THE REPEAL AND READOPTION OF SECTION 38-392, PURCHASE, POSSESSION OR CONSUMPTION OF ALCOHOL BY MINORS; FALSE IDENTIFICATION; TO MAKE THE SECTION CONSISTENT WITH STATE LAW

OTHER BUSINESS:

Motion by Councilmember James Trombley, seconded by Councilmember Elmer Trombley, that Councilmember **Towle** be appointed as the **School Liaison Alternate**.

Carried unanimously.

CLOSED SESSION:

Motion by Councilmember Elmer Trombley, seconded by Councilmember Coffey, that the meeting be Adjourned into **Closed Session** for the Purpose of discussing the **City Attorney's Written Opinion**.

Carried unanimously.

ADJOURNMENT:

Meeting adjourned at 8:04 p.m.

Andrew M. Swift, Mayor

Cynthia M. Hutchison, CMC
City Clerk