

REGULAR MEETING OF THE RIVERVIEW CITY COUNCIL  
CITY OF RIVERVIEW, WAYNE COUNTY, MICHIGAN  
HELD ON MONDAY, MARCH 6, 2017 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 7:30 p.m.

Presiding: Mayor Swift

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

Excused: Councilmember James Trombley (Ill)

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

The **Pledge of Allegiance** was led by Councilmember Towle.

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

**AWARDS AND PRESENTATIONS AND PROCLAMATIONS:**

None.

**MINUTES:**

Motion by Councilmember Coffey, seconded by Councilmember Workman, that the **Minutes** of the Regular Meeting of **February 21, 2017**, and the condensed version for publication, be **Approved**.  
Carried unanimously.

**PUBLIC HEARINGS:**

At the regular City Council meeting of February 6, 2017, a **Public Hearing** was called for March 6, 2017, to conduct a Public Hearing and allow public comment on the **Proposed Brownfield Plan** for **17423 West Jefferson Avenue** for the **WF Whelan Company**.

Mayor Swift declared the Public Hearing Open at 7:32 p.m.

Ms. Michelle Bakun, Department of Environmental Quality Brownfield Coordinator assigned to the WF Whelan Brownfield Project made herself available for questions. No one spoke.

Motion by Councilmember Coffey, seconded by Councilmember Elmer Trombley, that the Public Hearing be closed.  
Carried unanimously.

Public Hearing closed at 7:35 p.m.

At the regular City Council meeting of February 6, 2017, a **Public Hearing** was called for March 6, 2017, to conduct a Public Hearing and allow public comment on the Creation of a **Plant Rehabilitation District** at **17423 West Jefferson Avenue** for the **WF Whelan Company**.

Mayor Swift declared the Public Hearing Open at 7:36 p.m. No one spoke.

Motion by Councilmember Elmer Trombley, seconded by Councilmember Coffey, that the Public Hearing be closed.  
Carried unanimously.

Public Hearing closed at 7:37 p.m.

**PUBLIC COMMENTS:**

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

**ORGANIZATIONAL BUSINESS:**

None.

**CONSENT AGENDA:**

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

- Adopt Proposed **2017 Poverty Exemption Application**.
- Approve **Special Events** Application from **Metro City Church** for a 5K **“Water Run”** Fundraiser using City Property on May 6, 2017.
- Approve Budget Amendments as follows:

A.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
2016/17 Golf Course				
Signage	584-542-991.045	\$ 9,500.00	\$ 0.00	\$ (9,500.00)
Repair Parts	584-542-760.500	28,000.00	37,500.00	\$ 9,500.00

**JUSTIFICATION:** To transfer funding between the Signage and Repair Parts line items. The Golf Course would like to purchase some reels for their mowers and two new tires for their front end loader.

B.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
2016/17 Golf Course				
Travel and Education	584-542-862.000	\$ 5,000.00	\$ 3,000.00	\$ (2,000.00)
Dues and Subscriptions	584-542-802.000	\$ 2,500.00	\$ 4,500.00	\$ 2,000.00

**JUSTIFICATION:** To transfer funding between the Travel and Education, and Dues and Subscriptions line items. The Golf Course will be using this funding to renew its liquor license.

C.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
2016/17 Golf Course				
Maintenance Vehicles	584-542-995.072	\$ 15,000.00	\$ 0.00	\$ (15,000.00)
Spreader	584-542-971.040	\$ 0.00	\$ 15,000.00	\$ 15,000.00

**JUSTIFICATION:** To transfer funding between the Maintenance Vehicles and Spreader line items. The Golf Course feels that their current vehicles do not need to be replaced this year but that the spreader they have does need replacement.

Carried unanimously.

**RESOLUTIONS:**

Motion by Councilmember Workman, seconded by Councilmember Blanchette, that Resolution No. 17-10, Approve the **Downriver Sewage Disposal System Service Agreement** with the **Downriver Utility Wastewater Authority**, be Adopted.

RESOLUTION NO. 17-10  
RESOLUTION OF THE CITY OF RIVERVIEW  
TO APPROVE THE DOWNRIVER SEWAGE DISPOSAL SYSTEM SERVICE  
AGREEMENT WITH THE DOWNRIVER UTILITY WASTEWATER AUTHORITY

WHEREAS, 1955 PA 233, as amended ("Act 233") authorizes an authority to acquire sewage disposal systems as defined within said act and to improve, enlarge, expand and operate such systems; and

WHEREAS, by the terms of Act 233, the Downriver Utility Wastewater Authority ("DUWA"), and the cities of Belleville, Ecorse, Lincoln Park, River Rouge, Southgate, Wyandotte, Allen Park, Taylor, Dearborn Heights, Romulus, Riverview, and the Charter Townships of Van Buren and Brownstown ("Communities") are authorized to enter into a contract for the acquisition; improvement, enlargement or extension of a sewage disposal system and for the payment of the cost thereof by the Communities, with interest; and

WHEREAS, the Parties have jointly agreed to allow the DUWA to operate the System and to acquire the System from the County of Wayne, a Michigan county corporation (the "County"); and

WHEREAS, the System has undergone a major expansion and renovation as a result of U.S. Environmental Protection Agency ("EPA") and Michigan Department of Environmental Quality ("MDEQ") mandates which were set forth in a Consent Decree dated May 24, 1994 in the matter of USA, et al vs Wayne County Michigan, et al, Civil Action No. 87-

70992, filed in the U.S. District Court - Eastern District of Michigan, Southern Division; and

WHEREAS, as a result of said renovation and expansion, the County issued bonds in the aggregate amount of approximately \$285 million pursuant to a Financing Plan and Final Judgment entered in the above referenced matter on March 14, 1994; and the County and the Communities have pledged their full faith and credit in the support and payment of those bonds as provided for in the 1962 Contract; and

WHEREAS, the Consent Decree was terminated by Court Order on November 28, 2005; and

WHEREAS, subsequent to the acquisition of the System, the Parties have agreed to enter into a new service agreement, a copy of which is attached hereto as Exhibit A, for the management, operation and, if necessary, the expansion of a System, to transport, treat, and dispose of Wastewater; and

WHEREAS, the Parties agree that certain responsibilities and functions regarding overall management of the System as specified in the service agreement shall be transferred from the County to the DUWA and the Parties agree that the DUWA Board of Commissioners shall supervise implementation of this Agreement, through which the Parties will exercise their shared decision making authority over the specified matters.

NOW, THEREFORE, BE IT RESOLVED that the City of Riverview ("municipality") hereby agrees that:

1. The Service Agreement between the DUWA, the municipality and the Communities, Exhibit A, is hereby approved, and the appropriate administrative official of the municipality is hereby authorized to execute the agreement; and
2. It is hereby acknowledged and agreed that, in accordance with Act 233 and as stated in Section 5.02 of the attached Service Agreement, the municipality irrevocably pledges and assigns an amount not to exceed twenty-five percent (25%) of the funds derived from the State Sales Tax levied, pursuant to law, and from time to time returned to that Community pursuant to Section 10 of Article IX of the Michigan Constitution of 1963, to pay that Community's contractual obligations under this Agreement; and the municipality authorizes and directs the County Treasurer or any other official charged with disbursement of said funds to withhold and pay over to DUWA sufficient monies to make up any deficiencies of the municipality's obligations under the Service Agreement.

ON MOTION OF Councilmember Workman,  
SUPPORTED BY Councilmember Blanchette,  
The foregoing Resolution was ADOPTED by the following vote:

AYES: Mayor Swift, Councilmembers Blanchette, Coffey, Towle, Elmer Trombley,  
Workman  
NAYS: None  
ABSENT: Councilmember James Trombley  
ATTEST:

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Andrew M. Swift, Mayor

I, Cynthia M. Hutchison, Clerk for the City of Riverview, hereby certify that the foregoing is a true and accurate copy of a Resolution adopted by the City Council for the City of Riverview, at a regular meeting held on the 6<sup>th</sup> day of March, 2017, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meeting Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been available as required by said Act.

(S E A L)

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Cynthia M. Hutchison, City Clerk

**ADMINISTRATION:**

Motion by Councilmember Blanchette, seconded by Councilmember Elmer Trombley, that Authorization for Execution of **Addendum Extending Agreement for Environmental Engineering Services with Cornerstone, a Tetra Tech Company**, for a **six-year** period with increases of one and a

half percent (1.5%) in 2017-2018, two percent (2%) in 2018-2019 and a percentage increase in rate equal to the consumers price index **not to exceed** three percent (3%) for **all remaining years** of the contract, as recommended by the Land Preserve Committee and the Environmental Engineering Committee in their meetings held on February 13, 2017, be Approved.  
Carried unanimously.

**ORDINANCES:**

Motion by Councilmember Workman, seconded by Councilmember Elmer Trombley, that the City Clerk be Authorized to give the **Second Reading**, by title only, of Proposed Ordinance No. 692 – Amend the City of Riverview Code of Ordinances Chapter 22 “Environment – **Regulating Donation Boxes** within the City.  
Carried unanimously.

PROPOSED ORDINANCE NO. 692

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY THE ADDITION OF ARTICLE IX “DONATION BOXES”, TO CHAPTER 22 “ENVIRONMENT”, TO INSURE MINIMUM REQUIREMENTS FOR PLACEMENT AND MAINTENANCE OF DONATION BOXES TO PREVENT BLIGHT.

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I: AMENDMENT: That Article IX “Donation Boxes” be added to Chapter 22 “Environment” to hereafter read as follows:

CHAPTER 22 ENVIRONMENT  
ARTICLE IX. DONATION BOXES

Sec. 22-320. – Intent and definitions.

(a) The donation boxes ordinance is intended to be a regulatory ordinance in the public's health, safety and welfare for the protection of all citizens who use donation boxes. The intent of this ordinance is to impose restrictions and conditions on all donation boxes in the city so that they are, and remain, clean, safe and do not create hazards to pedestrians and to vehicular traffic. The article is passed under the city's regulatory authority pursuant to MCLA 117.4 et seq., and the Riverview City Charter.

(b) Definitions:

*Donation box* means any metal container, receptacle, or similar device that is located on any parcel or lot of record within the city and that is used for soliciting and collecting the receipt of clothing, household items, or other salvageable personal property. This term does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle or any collection box located within an enclosed building.

*Director* means the Director of Building and Engineering for the City of Riverview.

*Operator* means a person who owns, operates or otherwise is in control of donation boxes to solicit collections of salvageable personal property.

*Permittee* means a person over 18 years of age or an entity who is issued a permit authorizing placement of donation box(es) on real property.

*Property owner* means the person who is an owner of real property where the donation box(es) are located.

*Real property, property or land* means a lot of record located in the City of Riverview.

Sec. 22-321. – Donation box permit.

No later than 90 days from the effective date of this ordinance, no person shall place, operate, maintain or allow any donation box on any real property without first obtaining an annual permit issued by the Department of Building and Engineering ("department"), to locate a donation box.

Sec. 22-322. – Application for a permit.

- (a) Any person desiring to secure a permit shall make an application to the Department of Building and Engineering.
- (b) A permit shall be obtained for each donation box(es) proposed. Combining fees for donation box(es) located on a lot of record may be addressed in the fee resolution.
- (c) The application for a permit shall be upon a form provided by the department and be signed by an individual who is an officer, director, member or manager of an entity applicant. The applicant shall furnish the following information:
  - (1) Name, address and email of all partners or limited partners of a partnership applicant, all members of an LLC applicant, all officers and directors of a non-publicly traded corporation applicant, all stockholders owning more than five percent of the stock of a non-publicly traded corporate applicant, and any other person who is financially interested directly in the ownership or operation of the business, including all aliases.
  - (2) Date of birth of individuals and date of establishment of an entity or the birthdate of an individual applicant.
  - (3) Whether the applicant has previously received a permit for a donation box in the city or operates a donation box or similar type receptacle without a permit in the city.
  - (4) The name, address, email and telephone number of a contact person for all matters relating to a donation box located in the city.
  - (5) The physical address of the real property where the donation box is proposed to be located.
  - (6) A scaled drawing sufficient to illustrate the proposed location of the donation box on the real property, the dimensions of the proposed donation box and that the location complies with all code requirements.
  - (7) If not the owner of the real property, an affidavit from the property owner providing written permission to place the donation box(es) on the property, as well as an acknowledgment from the property owner of receipt of a copy of this article, shall be provided on a form provided by the director. For purposes of this subsection, the affidavit and acknowledgment may be executed by an individual who is an officer, director, member or manager of an entity owning the property.
  - (8) A nonrefundable fee in an amount established by resolution of city council.
  - (9) Proof of general liability insurance no less than \$1 million per occurrence.
- (d) Within ten days of receiving an application for a permit, the Community Development Director (“director”) shall notify the applicant whether the permit is granted or denied. If the director denies an application, the director shall state in writing the specific reason(s) for denial.
- (e) No person to whom a permit has been issued shall transfer, assign or convey such permit to another person or legal entity.
- (f) A person shall be issued a permit by the director if the requirements of this article are satisfied.

Sec. 22-323. – Requirements for a permit.

A permittee shall operate and maintain, or cause to be operated and maintained, all donation boxes located in the city for which the permittee has been granted a permit as follows:

- (1) Donation boxes shall be metal and be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.
- (2) Donation boxes shall be locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.
- (3) Donation boxes shall have, at minimum, one-half-inch type visible from the front of each donation box the name, address, email, website and phone number of the operator, as well as whether the donation box is owned and operated by a for profit company or a not for profit company. The donation box shall not have information, advertising or logos other than those relating to the operator.
- (4) Donation boxes shall be serviced and emptied as needed, but at least every 30 days.
- (5) The permittee and property owner shall maintain, or cause to be maintained, the area surrounding the donation boxes, free from any junk, debris or other material. The property owner shall be

responsible to the extent provided by law for the city's cost to abate any nuisance, in accordance with the City Code.

- (6) Donation boxes shall:
- a. Not be permitted on any land used for residential purposes;
  - b. Not be permitted on any unimproved parcel, nor where the principal use of the land has been closed or unoccupied for more than 30 days;
  - c. Not be less than 1,000 feet from another donation box as measured along a straight line from one box to the other. Notwithstanding this separation requirement, up to two donation boxes on a single lot of record are permitted if the two donation boxes are side by side and are no more than one foot apart;
  - d. Not exceed seven feet in height, six feet in width and six feet in depth;
  - e. Not cause a visual obstruction to vehicular or pedestrian traffic;
  - f. Not be placed closer than ten feet from:
    - (i) a public or private sidewalk except that this provision does not apply to a private sidewalk as long as the private sidewalk maintains a five-foot clearance;
    - (ii) a public right-of-way;
    - (iii) a driveway; or
    - (iv) a side or rear property line of adjacent property used for residential purposes;
  - g. Not cause safety hazards with regard to a designated fire lane or building exit;
  - h. Not:
    - (i) interfere with an access drive, off-street parking lot maneuvering lane and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic;
    - (ii) encroach upon an access drive, off-street parking lot maneuvering lane and/or required off-street parking space; and
  - i. Be placed on a level, hard (asphalt or concrete) paved, dust-free surface.

Sec. 22-324. – Term of permit and renewal of permit.

- (a) The permit year shall begin on January 1 in each year and shall terminate on December 31 of the same calendar year. An annual permit issued between December 1 and December 31 of any year shall expire on December 31 of the calendar year next following issuance thereof.
- (b) A donation box permit shall be renewed annually. The application for renewal must be filed not later than 30 days before the permit expires. The application for renewal shall be upon a form provided by the director.
- (c) The director shall either approve or deny the renewal of a permit within ten days of receipt of the complete renewal application and payment of the renewal fee. Failure of the director to act before expiration of the permit shall constitute approval of the renewal of the permit.
- (d) A permit renewal fee set by resolution of the city council shall be submitted with the application for renewal.
- (e) Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the director in writing of the intent to cancel the permit. The permit shall become void upon the director's receipt of a written notice of intent to cancel the permit.
- (f) The director shall approve the renewal of a permit if the director finds that no circumstances existed during the term of the permit which would cause a violation to exist, and that at the time of submission of the application for renewal, or at any time during the renewal of the application for renewal, there were not circumstances inconsistent with any finding required for approval of a new permit. Any permittee whose permit has been revoked shall be denied renewal of the permit for the subsequent calendar year.
- (g) If the permit expires and is not renewed, the donation box(es) must be removed from the real property within a maximum of ten days after expiration of the permit.

Sec. 22-324. – Revocation of permit, removal of donation boxes and liability.

- (a) The director shall have the right to revoke any permit issued hereunder for a violation of this ordinance. Any of the grounds upon which the director may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the permittee to comply with the provisions of this ordinance or other provisions of this Code or other law shall also constitute grounds for revocation of the permit. The director shall provide a written notification

to the permittee and property owner stating the specific grounds for a revocation and a demand for correction and abatement. The notice shall allow a maximum of ten days from mailing of the notice to correct or abate the violation. Upon failure to make the correction or abatement, the permit shall be revoked by the director and, thereafter, the permittee shall not be eligible for a permit on the property for the subsequent calendar year.

- (b) Upon revocation, the donation box shall be removed from the real property within ten days and, if not so removed within the time period, the city may remove, store or dispose of the donation box at the expense of the permittee and/or real property owner. All costs associated with the removal of the donation box incurred by the city, or the city's contractor shall be the responsibility of the property owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the city may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the city, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.
- (c) A permit for a donation box may be revoked if any governmental authority or agency determines that the donation box has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act.

#### Sec. 22-326. – Appeal to planning commission.

Any person aggrieved by the decision rendered by the director in granting or denying an application for a permit under this ordinance or in revoking a permit issued under this ordinance may appeal the decision to the planning commission. The appeal shall be made by filing a written notice thereof with the Department of Building and Engineering setting forth the grounds for the appeal not later than ten days after receiving notice of the decision of the director. The planning commission may grant relief if the applicant presents clear and convincing evidence that there was an error in the decision of the director.

#### Sec. 22-327. – Penalty and remedies.

- (a) In addition to revocation of permit pursuant to Section 326, any person violating the provisions of this ordinance is guilty of a civil infraction.
- (b) In addition to the penalty provided in subsection (a) of this section, any condition caused or permitted to exist in violation of the provisions of this ordinance, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.
- (c) Nothing in this ordinance shall prevent the city from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this ordinance.
- (d) The real property owner and permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.
- (e) No fines shall be imposed for a violation of this ordinance until 90 days after its effective date. All donation boxes existing at the effective date of the article shall apply for a permit as required herein within 30 days of the effective date. Any donation boxes not in compliance with this ordinance after 90 days of the effective date shall be subject to all remedies for violation as provided herein.

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 21, 2017 shall be given a second reading on March 6, 2017, shall be adopted on March 6, 2017 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 6th day of March, 2017.

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 6, 2017.

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Cynthia M. Hutchison, CMC  
City Clerk

Motion by Councilmember Workman, seconded by Councilmember Blanchette, that Proposed Ordinance **No. 692** be **Adopted**.  
Carried unanimously.

Motion by Councilmember Blanchette, seconded by Councilmember Workman, that the Clerk be Authorized to give the **First Reading**, by title only, of Proposed Ordinance **No. 693** to **Amend** the **Zoning Map** rezoning parcels **12516** and **12524 Nixon** Avenue from M-1 District to a RM-1 Multiple Family Residential District.  
Carried unanimously.

PROPOSED ZONING ORDINANCE NO. 693  
AN ORDINANCE TO AMEND THE CITY OF RIVERVIEW’S ZONING ORDINANCE TO REZONE TWO SPECIFIC PARCELS OF LAND FROM THE EXISTING M-1 DISTRICT (LIGHT INDUSTRIAL) TO RM-1 DISTRICT (MULTIPLE-FAMILY RESIDENTIAL) BY REVISING THE ZONING DISTRICT MAP.

**OTHER BUSINESS:**

Motion by Councilmember Coffey, seconded by Councilmember Elmer Trombley, that a **Public Hearing** be called for **April 3, 2017**, for the Purpose of City Council to receive comments and/or suggestions for Discussion on the Brownfield Plan for **17020-17130 Fort** Street for the **Riverview Plaza** Center.  
Carried unanimously.

**CLOSED SESSION:**

None.

**ADJOURNMENT:**

Motion by Councilmember Elmer Trombley, seconded by Councilmember Coffey, that the Meeting be Adjourned at 7:56 p.m.  
Carried unanimously.

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Andrew M. Swift, Mayor

\_\_\_\_\_  
Cynthia M. Hutchison, CMC  
City Clerk