

REGULAR MEETING OF THE RIVERVIEW CITY COUNCIL  
 CITY OF RIVERVIEW, WAYNE COUNTY, MICHIGAN  
 HELD ON MONDAY, JUNE 5, 2023 A.D.  
 IN THE COUNCIL CHAMBERS OF  
 THE PETER ROTTEVEEL MUNICIPAL BUILDING  
 14100 CIVIC PARK DRIVE, RIVERVIEW, MICHIGAN 48193-7600

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

Presiding: Mayor Swift

Present: Councilmembers Blanchette, Gunaga, Norton, O'Neil, Robbins, Workman

Also Present: City Manager Dobek, City Clerk Hutchison, Deputy Clerk Harrison, Fire Chief Lammers, Police Chief Allen, Human Resources Director Mayerich, Human Resources Director Duncan, Land Preserve Director Sisk, Information and Technology Director Harper, Parks and Recreation Director Dickman, Department of Public Works Director Webb, Golf Course Director Kettler, Library Director Frattarelli, Charles E. Raines Company City Engineer Sabak, Carlisle Wortman Community Development Director Scurto, Attorney Morgan

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

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

**AWARDS AND PRESENTATIONS AND PROCLAMATIONS:**

Mayor Swift and Police Chief Allen recognized Architect University Masonic Lodge from the City of Lincoln Park for their generous donation of a bullet-proof vest for Riverview's Canine, "Blue."

**MINUTES:**

Motion by Councilmember Norton, seconded by Councilmember O'Neil, that the **Minutes** of the Regular Meeting of **May 15, 2023**, 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 Norton, seconded by Councilmember Blanchette, that the Nomination and Appointment of Mr. Randy Upton to the City Planning Commission to fill an unexpired term to July 31, 2023, be Approved.  
 Carried unanimously.

**CONSENT AGENDA:**

Motion by Councilmember Gunaga, seconded by Councilmember O'Neil, that the **Consent Agenda** be Approved as follows:

- Approve Budget Amendments as follows:

A.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<b>2022/23 Golf Course Fund Expenses</b>				
Supplies for Resale--Food & Beverage	584-542-740.015	\$ 34,000.00	\$ 41,000.00	\$ 7,000.00
Concession Sales	584-000-675.020	\$ 80,000.00	\$ 87,000.00	\$ 7,000.00
Supplies for Resale--Alcohol	584-542-740.020	\$ 55,000.00	\$ 61,000.00	\$ 6,000.00
Alcohol Sales	584-000-675.025	\$ 170,000.00	\$ 176,000.00	\$ 6,000.00
Net Change				\$ 0.00

**JUSTIFICATION:** To increase the current budget for concession sales and alcohol sales revenues and also increase the budget for the food and beverage and alcohol supplies for resale as we are selling more consumable food & beverages than expected. These changes result in a \$0 net increase to the budget.

B.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
2022/23 Land Preserve Expenses				
Compactors	596-526-974.401	\$ 0.00	\$ 2,353,000.00	\$ 2,353,000.00
Net Change				\$ 2,353,000.00

JUSTIFICATION: To allow for the financing of two new compactors to replace the two compactors that have both experienced bad engines and multiple breakdowns. We were approached by the vendor with a generous trade-in on both machines that mostly bought out the remaining debt payments so we could start fresh with two new machines with different and better engines. The debt payments will remain about the same, but the compactors will need to be capitalized for the full value amount and depreciated per auditing regulations. This is really a non cash transaction that hits our expense account and sets up the debt payments for future budgets.

C.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
2022/23 Human Resources Expenses				
Emp Advertising/Testing	101-270-854.030	\$ 13,000.00	\$ 28,000.00	\$ 15,000.00
Net Change				\$ 15,000.00

JUSTIFICATION: To allow for the posting and listing of multiple open positions within the City specifically, for the search for a qualified Finance Director as other postings have not yielded any viable candidates.

Carried unanimously.

**RESOLUTIONS:**

Motion by Councilmember Workman, seconded by Councilmember Gunaga, that **Resolution No. 23-12**, Resolution Approving the 5 Year Capital Improvement Plan for July 1, 2023 to June 30, 2028, be Adopted.

RESOLUTION 23-12  
RESOLUTION APPROVING THE 5-YEAR CAPITAL IMPROVEMENT PLAN  
JULY 1, 2023 – JUNE 30, 2028

WHEREAS, The 2023-28 Capital Improvement Plan was presented by the City Manager to the City Council on June 5, 2023, as part of the annual budget presentation; and,

WHEREAS, Public Act 285 of 1931, as amended, allows for the adoption of the Capital Improvements Plan by a majority vote of the City Council. The differences between the version approved by the City Planning Commission are reconciled by five affirmative votes of the City Council at the time of adoption, or by five affirmative votes being cast by the City Council at the time when financial commitment to the projects are made.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Riverview, Michigan that the 5-Year Capital Improvements Plan for the period of July 1, 2023 through June 30, 2028, as presented, is hereby approved.

AYES: Mayor Swift, Councilmembers Blanchette, Gunaga, Norton, ONeil, Robbins, Workman

NAYS: None.

EXCUSED: None.

ADOPTED this 5th day of June, 2023.

ATTEST:

\_\_\_\_\_  
Andrew M. Swift, Mayor

This resolution shall take effect on July 1, 2023.

I, Cynthia M. Hutchison, duly authorized City Clerk of the City of Riverview, do hereby certify the foregoing Resolution is a true copy of a resolution adopted by the Riverview City Council at their regular meeting of June 5, 2023.

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

Motion by Councilmember Workman, seconded by Councilmember Blanchette, that Resolution No. 23-12, Resolution **Approving the 2023/24 Annual Operating Budget and Millage Rates**, be **Adopted**.

RESOLUTION NO. 23-12  
 BUDGET APPROPRIATIONS AND OPERATING MILLAGE RATES FOR  
 OPERATION, DEBT, LOCAL ROADS, LIBRARY AND  
 GARBAGE & RUBBISH SERVICES RESOLUTION  
 JULY 1, 2023 – JUNE 30, 2024

WHEREAS: the expenditures for the fiscal year commencing July 1, 2023 and ending June 30, 2024, are hereby appropriated on a departmental and activity total basis as follows:

**General Fund:**

City Council	\$	88,976
City Manager		432,655
Purchasing / Assessing		230,360
City Attorney		512,500
City Clerk		342,314
Finance / Treasury		430,847
Human Resources		203,958
Debt Service		25,688
Police		4,317,878
Fire		2,232,965
Public Works		1,149,825
Building Maintenance		391,695
Motor Vehicles		229,464
Parks Maintenance		91,380
Community Development		252,490
Building & Engineering		356,212
Recreation		917,155
Management Information Systems		227,558
Employee Benefits		49,043
Insurance		131,341
Operating Transfers Out		<u>85,000</u>
Total Expenditures	\$	<u>12,699,304</u>

WHEREAS: revenues for the 2023/24 fiscal year are estimated as follows:

**General Fund:**

Property Taxes	\$	5,970,446
Interest & Investment Income		500
Transfers (In)		2,650,000
Licenses & Permits		299,200
Federal Sources		-
State Sources		1,608,422
Fine & Forfeitures		83,500
Charges for Services		794,800
Charges to Other Funds		1,109,744
Other Revenue		25,562
Recreation		<u>161,885</u>
Total Revenues	\$	<u>12,704,059</u>

WHEREAS: the City Council hereby approves budgets for the period of July 1, 2023 through June 30, 2024, for the following funds in the amounts set forth below:

Major Streets Fund	\$ 885,342
Local Streets Fund	1,038,974
Garbage & Rubbish Fund	612,104
Cable & Telecomm Fund	428,643
Drug Law Enforcement Fund	97,010
Library Fund	406,683
Comm Dev Block Grant Fund	20,000
Street & Water Main Bonds	989,750
Cap Imprvmt/Equipmt Fund	796,703
Golf Combined	2,077,176
Water & Sewer Fund	6,282,889
Land Preserve Fund	19,483,650
Self-Insurance Fund	437,803
Retiree Insurance Fund	1,472,166

WHEREAS: The City Council of the City of Riverview has been advised by the City Assessor that the State taxable valuation for the 2023 tax year of taxable value property located within the City of Riverview is \$377,978,249, as compared to \$355,124,227 taxable value for the 2022 tax year including net 2022 additions; and

WHEREAS: The City Tax Rates were also set on June 5, 2023, for the 2023/24 fiscal year after the required notices were filed and public hearing held. The Tax Rates were calculated in accordance with Michigan Compiled Law Section 211.34 E and 211.34 D. The City Tax Rates calculated are the minimum required to defray the operating expenses for the fiscal year July 1, 2023, through June 30, 2024.

The approved tax rates are as follows:

<u>Operating Millage</u>	<u>Rate per thousand taxable value</u>
1. City Operating	\$14.65/thousand taxable value
2. Refuse Collection	1.74/thousand taxable value
3. Library Operation	0.80/thousand taxable value
4. Local Road Repair	0.70/thousand taxable value
5. Fire Protection	1.47/thousand taxable value
6. Road Bond (Voter Approved)	2.70/thousand taxable value
Total City Tax Rate – July 1, 2023	\$22.06/thousand taxable value

NOW, THEREFORE, BE IT RESOLVED: the City Council hereby approves the City Budget containing the appropriations and levy of taxes for the period of July 1, 2023 through June 30, 2024 and all sums be paid into the several funds to which they belong and that the City tax rate for the fiscal year 2023/24 for the City of Riverview shall be set at \$14.65 operating; \$ 1.74 refuse collection and disposal; \$0.80 for Library service; \$0.70 for Local Road Repair; \$1.47 for Fire Services; and \$2.70 for Voter Approved Water Main and Road Construction Bonds; for a combined July 1, 2023 tax rate of \$22.06 per thousand taxable value.

AYES: Mayor Swift, Councilmembers Blanchette, Gunaga, Norton, O'Neil, Robbins, Workman

NAYS: None.

EXCUSED: None.

ADOPTED this 5th day of June, 2023

ATTEST:

\_\_\_\_\_  
Andrew M. Swift, Mayor

This resolution shall take effect on July 1, 2023.

I, Cynthia M. Hutchison, duly authorized City Clerk of the City of Riverview, do hereby certify the foregoing Resolution is a true copy of a resolution adopted by the Riverview City Council at their regular meeting of June 5, 2023.

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

**ADMINISTRATION:**

Motion by Councilmember O'Neil, seconded by Councilmember Robbins, that the Confirmation of **Ms. Shane Harrison's Appointment as Deputy Clerk** be Approved.

Carried unanimously.

Motion by Councilmember Robbins, seconded by Councilmember Gunaga, that the Confirmation of **Ms. Tracy Duncan's Appointment as Human Resources Director** be Approved.

Carried unanimously.

**ORDINANCES:**

Motion by Councilmember Workman, seconded by Councilmember Blanchette, that Authorization for the Clerk to give the **Second Reading**, by title only, and Adoption of **Proposed Ordinance No. 742** – to Amend the Zoning Ordinance for the City of Riverview by the Adoption of Section 20.05 "**Conditional Rezoning**" to Article 20, "Procedures and Standards, be Approved.

Carried unanimously.

PROPOSED ZONING ORDINANCE NO. 742

AN ORDINANCE TO AMEND THE CITY OF RIVERVIEW ZONING ORDINANCE,  
BY ADDING SECTION 20.05, "CONDITIONAL REZONING," TO ARTICLE 20,  
"PROCEDURES AND STANDARDS"

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. Amendment: That Section 20.05, Conditional Rezoning, is added to Article 20, Procedures and Standards, of the City of Riverview Zoning Ordinance, to hereafter read as follows:

Riverview Zoning Ordinance  
Article 20 "Procedures and Standards"

Section 20.05- Conditional Rezoning.

- A. *Purpose and Intent.* The city council may, from time to time, on recommendation from the planning commission, on its own motion, or on petition, amend, supplement, modify, or change the zoning ordinance in accordance with the authority of Act No. 110 of the Public Acts of Michigan of 2006, as amended, in accordance with the following procedural outline:
1. A petition for amendment to the zoning ordinance by an owner, or other person having a sufficient legal or countable interest, may be presented to the council. Such petition shall be accompanied with a fee in an amount established by resolution by the council and shall be used to defray the expense of publishing required notices and related expenditures. Should no public hearing be held thereon, the fee shall be refunded to the petitioner.
  2. All amendment proposals not originating with the planning commission shall be referred by the council to the planning commission for a recommendation before any action is taken by the council.
  3. The planning commission shall study the proposed ordinance amendment and make written recommendation addressing all legal and statutory requirements to the council for approval, conditional approval, or disapproval. In the course of such study, the planning commission shall hold a public hearing on the proposed amendment as required by the provisions of Public Act 110 of the Public Acts of Michigan of 2006, as amended.
  4. An owner of land may voluntarily offer in writing and the council may approve, certain use and development of land as a condition to the approval of a rezoning consistent with the provisions of Section 405 of Public Act No. 110 of 2006 (M.C.L. 125.3405) and in accordance with the following:
    - a. *Procedure.* Except as otherwise provided herein, the application, review, and approval of a conditional rezoning request shall follow the same procedures as established by the council and as provided by Public Act No. 110 of 2006 (M.C.L. 125.3101 et seq.) for all rezoning requests without an offer of conditions.

A written offer of conditions may be submitted either at the time an application for rezoning is filed or at a later time during the rezoning process. An applicant may voluntarily amend or withdraw all or part of the offer of conditions at any time during the rezoning process, provided that if such amendment or withdrawal occurs subsequent to the planning commission's public hearing on the original request, the rezoning application shall be referred back to the planning commission for a new public hearing and recommendation.

Notice of the public hearing shall be given as required by state law. An offer of more restrictive conditions may not require a new public hearing.

- b. *Conditions.* An offer of conditions submitted as part of a conditional rezoning request shall bear a reasonable and rational relationship to the property for which rezoning is requested.
  - c. *Approval.* Upon approval of a conditional rezoning request, the applicant shall submit a formal written statement of conditions as approved by the board which shall be incorporated by attachment as an inseparable part of the ordinance adopted by the council. The statement of conditions shall:
    1. Be in a form recordable with the Wayne County Register of Deeds and include a statement acknowledging that it is recorded.
    2. Contain a legal description of the land to which it pertains.
    3. Acknowledge that upon the rezoning taking effect, the use and development of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by the statement of conditions.
    4. Contain a provision acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land. Any person who establishes a development or commences a use upon such land shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions.
    5. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
    6. Specify that failure to comply with any of the conditions set forth in the statement of conditions shall constitute a violation of this zoning ordinance and shall be punishable accordingly.
    7. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the document.
- B. *Recording.* The approved statement of conditions shall be filed by the city clerk with the Wayne County Register of Deeds. The council shall have the ability to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the township or to any subsequent owner of the land. An approved conditional rezoning shall be designated on the zoning map in a manner that identifies that the property is subject to a statement of conditions.
- C. *Effect.* The following shall apply to approved conditional rezoning requests:

1. Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the council if (1) it is demonstrated to the council's reasonable satisfaction that there is a strong likelihood that the development and or use of will commence within the period of extension and proceed diligently thereafter to completion and (2) the council finds that there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
2. If approved development and/or use of the rezoned land does not occur within the time frame specified under section 20.05,.C.1, then the land shall revert to its former zoning classification as set forth in Section 405(2) of Public Act No. 110 of 2006 (M.C.L. 125.3405) subrelates any action taken as provided in subparagraph A. The reversion process shall be initiated by the council requesting that the planning commission proceed with consideration of the rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other zoning requests.
3. When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to section 20.05, C.2, or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the city clerk shall record with the Wayne County Register of Deeds a notice that the statement of conditions is no longer in effect.
4. During the time period for commencement of an approved development or use specified pursuant to section 20.05, C.1, or during any extension thereof granted by the council, the township shall not add to or alter the conditions in the statement of conditions.
5. The statement of conditions may be amended thereafter in the same procedure as set forth for the original conditional rezoning approval.
6. Nothing in the statement of conditions nor in the provisions of this Section shall be deemed to prohibit the township from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and Public Act No. 110 of 2006 (M.C.L. 125.3101 et seq.).

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. Codification; Scrivener's Errors:

- (a). Article I of this Ordinance shall be codified, and all other sections shall not be codified.
- (b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.
- (c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

ARTICLE VI. Reading and Publication: This Ordinance shall be given a first reading on May 15, 2023, shall be given a second reading on June 5, 2023, shall be adopted on June 5, 2023, 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 June, 2023.

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 June 5, 2023.

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

Motion by Councilmember Workman, seconded by Councilmember Blanchette, that Proposed Ordinance No. 742 be Adopted.  
Carried unanimously.

**OTHER BUSINESS:**  
None.

**CLOSED SESSION:**  
Motion by Councilmember Blanchette, second by Councilmember Robbins, that the meeting be **Adjourned** into Closed Session for the Purpose of Discussing **Collective Bargaining**.  
Carried unanimously.

**ADJOURNMENT:**  
The meeting adjourned at 7:32 p.m.

\_\_\_\_\_  
Andrew M. Swift, Mayor

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Cynthia M. Hutchison, City Clerk