

REGULAR MEETING OF THE RIVERVIEW CITY COUNCIL  
CITY OF RIVERVIEW, WAYNE COUNTY, MICHIGAN  
HELD ON MONDAY, JUNE 20, 2022 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 7:01 p.m.

Presiding: Mayor Swift

Present: Councilmembers Gunaga, Norton, ONeil, Robbins, Workman

Excused: Councilmember Blanchette (Ill)

Also Present: City Manager Drysdale, City Clerk Hutchison, Land Preserve Director/Assistant City Manager Dobek, Fire Chief Lammers, Human Resource Director Mayerich, Purchasing and Finance Director McMahon, Department of Public Works Director Webb, Golf Course Director Kettler, Carlisle Wortman Community Development Scurto, City Engineer Sabak, Attorney Hurley

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

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

**AWARDS AND PRESENTATIONS AND PROCLAMATIONS:**

None.

**MINUTES:**

Motion by Councilmember ONeil, seconded by Councilmember Gunaga, that the **Minutes** of the Regular Meeting of **June 6, 2022**, the Special Meeting of **June 13, 2022**, and the condensed versions 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:**

None.

**CONSENT AGENDA:**

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

- Authorize the Solicitation of Bids for **Odor Control Chemical Supplies and Equipment**.
- Authorize the Solicitation of Bids for **Limestone**.
- Award Bid and Authorize Execution of Agreements for **Heavy Equipment Parts and Labor** with **Alta Equipment, Michigan CAT, Southeastern Equipment Company, RECO Equipment, Inc., and AIS Construction Equipment Corporation**.
- Approve Budget Amendment as follows:

A.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2021/22 General Fund</u>				
Rental Inspection Fees	101-000-484.000	\$50,000.00	\$97,000.00	\$47,000.00
Building Permits	101-000-630.030	\$90,000.00	\$102,255.54	\$12,255.54
Federal Funds -- FEMA Reimburse	101-000-501.700	\$0.00	\$67,342.00	\$67,342.00
Wayne County Parks Grant	101-000-540.000	\$0.00	\$50,000.00	\$50,000.00
State Revenue-Personal Property F	101-000-575.330	\$146,651.00	\$204,000.00	\$57,349.00
District Court -- Technology Fee	101-000-602.120	\$9,000.00	\$19,500.00	\$10,500.00
Insurance Reimbursement	101-000-670.677	\$0.00	\$13,000.00	\$13,000.00
Prescription Refunds	101-000-687.000	\$25,000.00	\$0.00	(\$25,000.00)

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2021/22 General Fund</u>				
Gas & Oil Charges - Rvw Schools	101-000-670.080	\$25,000.00	\$40,000.00	\$15,000.00
Ambulance Billings	101-000-680.020	\$600,000.00	\$750,000.00	\$150,000.00
Bank Service Charge	101-253-860.000	\$0.00	\$24,500.00	\$24,500.00
Emp Advertising/Testing	101-270-854.030	\$7,000.00	\$18,000.00	\$11,000.00
Part-Time Salaries	101-336-725.100	\$250,192.00	\$374,000.00	\$123,808.00
Overtime	101-336-725.200	\$30,000.00	\$115,000.00	\$85,000.00
Social Security-Employer	101-336-725.500	\$73,200.00	\$90,000.00	\$16,800.00
Deferred Compensation	101-336-725.600	\$36,000.00	\$41,000.00	\$5,000.00
Health Insurance Expense	101-336-725.700	\$46,321.00	\$112,000.00	\$65,679.00
Retiree Health Savings Plan	101-336-725.960	\$2,650.00	\$14,000.00	\$11,350.00
Telephone	101-441-850.000	\$3,410.00	\$12,500.00	\$9,090.00
Repair Parts/Equip Supply	101-443-760.500	\$70,000.00	\$80,000.00	\$10,000.00
Inspector Fees -- Rental Housing	101-448-822.100	\$50,000.00	\$60,000.00	\$10,000.00

JUSTIFICATION: To add funds to the park improvements line item for the purchase of additional wood mulch for City parks. The increase is offset by decreases in the janitorial contract and school facility rental line items.

Carried unanimously.

**RESOLUTIONS:**

None.

**ADMINISTRATION:**

Motion by Councilmember Workman, seconded by Councilmember Robbins, that the Bid Award and Execution of Agreement with **Cech Corporation** for the **Landfill Scale**, Inbound Pitless Type Truck Scale in the Amount of **\$248,845.00** be Approved.

Carried unanimously.

**ORDINANCES:**

Motion by Councilmember Workman, seconded by Councilmember O'Neil, that Authorization for the Clerk to give the **Second Reading**, by title only, and Adoption of **Proposed Ordinance No. 729**, to Amend the Code of Ordinances of the City of Riverview Regulating the Use of Certain Chemical Agents and Devices Known as **Nitrous Oxide** be Approved.

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

NAYS: Councilmember Robbins

Motion Carried.

ORDINANCE NO. 729

AN ORDINANCE TO AMEND CHAPTER 38 OF THE RIVERVIEW CODE, "OFFENSES AND MISCELLANEOUS PROVISIONS", BY THE ADDITION OF DIVISION 5, "NITROUS OXIDE", TO ARTICLE VI, "OFFENSES INVOLVING PUBLIC MORALS", TO REGULATE THE SALE, DISTRIBUTION, POSSESSION AND USE OF CERTAIN CHEMICAL AGENTS AND DEVICES KNOWN AS NITROUS OXIDE, AND COMMONLY CALLED "WHIPPETS".

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. Adoption: That Division 5, Nitrous Oxide, is hereby added to Article VI, "Offenses Involving Public Morals", of Chapter 38, "Offenses and Miscellaneous Provisions", to hereafter read as follows:

CHAPTER 38 OFFENSES AND MISCELLANEOUS PROVISIONS  
 ARTICLE IV. OFFENSES INVOLVING PUBLIC MORALS  
 DIVISION 5 NITROUS OXIDE

Section 38-295. – Nitrous Oxide.

*Purpose.* To regulate the sale, distribution, possession and use of certain chemical agents and devices containing certain chemical agents known as nitrous oxide, also commonly called "whippets"; and to

provide penalties as provided by MCL 752.272a.

(1) Definitions.

For the purposes of this section, the following words and phrases shall have the meaning respectively ascribed to them by this subsection:

*“Device”* means any cartridge, compressed gas cylinder, apparatus, container, or any other object used to contain, and/or dispense, and/or administer nitrous oxide.

*“Nitrous oxide”* means a colorless, nonflammable gas, N<sub>2</sub>O, oftentimes used as an anesthetic and in aerosols; when inhaled it produces loss of sensibility to pain preceded by exhilaration and sometimes laughter, and is properly used especially as an anesthetic in dentistry; it is also known as “laughing gas” or “whippet(s)”.

*“Diligent inquiry”* means a diligent good-faith effort to determine the age of a person, which includes at least an examination of an official Michigan operator’s or chauffeur’s license, an official Michigan personal identification card, a military identification card, or any other bona fide picture identification that establishes the identity and age of the person.

(2) Except for a person described in subsection (4) (c) or (d) acting in the course of his or her duties, a person shall not sell or otherwise distribute a device that solely contains nitrous oxide to a person under the age of 18 for any purpose unless the person under the age of 18 is accepting delivery of a device containing nitrous oxide or a device used to dispense nitrous oxide in his or her capacity as an employee.

(3) A person who knowingly sells or distributes a device that solely contains nitrous oxide to a person who is under the age of 18 in violation of subsection (2), or who fails to make diligent inquiry as to whether the person is a minor, is liable for a municipal civil infraction with a civil fine of \$500.00 for a first offense and \$1,000.00 for any subsequent offense.

(4) A person shall not sell or otherwise distribute to another person any device that contains any quantity of nitrous oxide or sell or otherwise distribute a device to dispense nitrous oxide for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, dulling of the senses or nervous system. A person who violates this subsection is liable for a municipal civil infraction with a civil fine of \$500.00 for a first offense and \$1,000.00 for any subsequent offense. This subsection does not apply to nitrous oxide that has been denatured or otherwise rendered unfit for human consumption or to any of the following:

(a) A person licensed under chapter VII of the food law, 2000 PA 92, MCL 289.7101 to 289.7137, who sells or otherwise distributes the device as a grocery product.

(b) A person engaged in the business of selling or distributing catering supplies only or food processing equipment only, or selling or distributing compressed gases for industrial or medical use who sells or otherwise distributes the device in the course of that business.

(c) A pharmacist, pharmacist intern, or pharmacy as defined in section 17707 of the public health code, 1978 PA 368, MCL 333.17707, who dispenses the device in the course of his or her duties as a pharmacist or pharmacist intern or as a pharmacy.

(d) A health care professional.

(5) A person shall not use or possess any device that contains any quantity of nitrous oxide and is used to dispense nitrous oxide for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, dulling of the senses or nervous system. A person who violates this subsection is liable for a municipal civil infraction with a civil fine of \$100.00 for a first offense and up to \$500.00 for any subsequent offense.

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 relettered 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 March 21, 2022, shall be given a second reading on June 20, 2022, shall be adopted on June 20, 2022 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 20th day of June, 2022.

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 20, 2022.

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

Motion by Councilmember Workman, seconded by Councilmember Gunaga, that Proposed **Ordinance No. 729** be Adopted.  
Carried unanimously.

**OTHER BUSINESS:**

Motion by Councilmember Gunaga, seconded by Councilmember Workman, that the Emergency Sole Source Service Award to **APTIM Environmental and Infrastructure, LLC**, for **Flare Maintenance and Repairs** in an Amount **Not to Exceed \$100,000.00** be Approved.  
Carried unanimously.

Motion by Councilmember Workman, seconded by Councilmember Norton, that the **July 5, 2022**, Council Meeting be **Cancelled** due to **Lack of Quorum**.  
Carried unanimously.

**CLOSED SESSION:**

None.

**ADJOURNMENT:**

Motion by Councilmember Norton, seconded by Councilmember ONeil, that the meeting be adjourned.

The meeting adjourned at 7:38 p.m.

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

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