

REGULAR MEETING OF THE RIVERVIEW CITY COUNCIL
CITY OF RIVERVIEW, WAYNE COUNTY, MICHIGAN
HELD ON MONDAY, SEPTEMBER 21, 2020 A.D.
IN THE COUNCIL CHAMBERS OF
THE PETER ROTTEVEEL MUNICIPAL BUILDING
14100 CIVIC PARK DRIVE, RIVERVIEW, MICHIGAN 48193-7689

VIA TELECONFERENCE

Notice is hereby given that due to precautions being taken to mitigate the spread of the Coronavirus (COVID-19) and protect the public health, the Regular Meeting of the Riverview City Council will be held electronically on Monday, September 21, 2020, at 7:30 p.m. The meeting is being held in compliance with Governor's Michigan Executive Order No. 2020-75 effective May 6, 2020 and continuing until September 4, 2020 at 11:59 p.m., and for 28 days thereafter to the extent necessary to permit reliable scheduling of hearings and meetings.

Members of the public wishing to participate in the meeting through electronic means will have access to the meeting through the following methods:

Virtual Meeting Option: Access the meeting room via <https://us02web.zoom.us/j/87342821535>
Join Zoom Meeting

Telephone Option Directions:

- 1.Dial: 1.312.626.6799
- 2.Enter meeting code: 87342821535 #
- 3.Enter #

Email Option: Send your public comment through email at: clerk@cityofriverview.com and your comment will be read at the meeting.

Rules of Procedure: Any member of the public wishing to comment during the Public Comment on Agenda Items on any agenda item (5 minute time limit) will be allowed to do so remotely by electronic or telephonic means set forth above. In order to maintain decorum, the Mayor and/or designee will determine the order of speakers and the appropriate time frame for which comments are allowed.

The meeting was called to order at 7:45 p.m.

PRESIDING: Mayor Pro Tem ONeil

PRESENT: Councilmembers Blanchette, Norton, Towle, Trombley, Workman

EXCUSED: Mayor Swift (Out of Town)

ALSO PRESENT: City Manager Drysdale, City Clerk Hutchison, Assistant City Manager/Landfill Director Dobek, Police Chief Rosebohm, Fire Chief Lammers, Human Resource Director Mayerich, Finance/Purchasing Director McMahon, Information and Technology Director Harper, Parks and Recreation Director Dickman, Library Director Frattarelli, Golf Course Director Kettler, Carlisle Wortman Cornerstone Environmental Group Project Manager Bowyer, Charles E. Raines City Engineer Sabak, Attorney Pentiuik

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

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

AWARDS AND PRESENTATIONS AND PROCLAMATIONS:

Police Chief Rosebohm Recognized the following Officers with **Meritorious Service Awards** for their involvement in recent incidents:

Sergeant Bemis
Officer Fell
Officer Lyles
Officer McDonald
Sergeant O'Neil
Lieutenant Sowards

MINUTES:

Motion by Councilmember Norton, seconded by Councilmember Workman that the **Minutes** of the Regular Meeting of **September 8, 2020**, and the condensed version for publication, be **Approved**.
Carried unanimously.

PUBLIC HEARINGS:

None.

PUBLIC COMMENTS:

The Mayor offered public comments.

ORGANIZATIONAL BUSINESS:

None.

CONSENT AGENDA:

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

- Ratify Proposal for **Actuarial Study of Pension Costs** for New Members to the Riverview Employees Retirement System for a Cost Not to Exceed **\$5,000.00**.
- Approve Budget Amendments as follows:

A.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
2020/21 City Council				
Contractual Services	101-101-818.000	\$ 0.00	\$ 14,000.00	\$ 14,000.00

JUSTIFICATION: To increase the contractual services line item for the Rehmann Robson review of financial information.

B.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change	PO Number
Operating Supplies	101-209-740.000	5,200.00	5,636.85	\$ 436.85	20-002004
Pistol Range	101-301-780.100	8,000.00	8,110.65	\$ 110.65	20-002020
Operating Supplies	101-443-740.000	10,750.00	10,829.90	\$ 79.90	20-001970
Repair Parts/Equip Supply	101-443-760.500	70,000.00	70,220.30	\$ 220.30	20-002093
Repair Parts/Equip Supply	101-443-760.500	70,220.30	70,866.30	\$ 646.00	20-001970
Bike Path - Iron Belle Trail	101-447-985.070	0.00	57,236.00	57,236.00	18-002197
Park Improvements/Equipment	101-751-972.010	50.00	7,260.50	\$ 7,210.50	20-000734
Park Improvements/Equipment	101-751-972.010	7,260.50	55,409.25	\$ 48,148.75	20-000856
Wellness Program	101-851-962.550	6,500.00	10,490.00	\$ 3,990.00	20-002098
Joint/Crack Sealing	202-463-818.035	22,500.00	32,529.45	\$ 10,029.45	20-000956
Street Sectioning	202-463-974.110	186,000.00	189,261.47	\$ 3,261.47	20-000226
Street Sectioning	202-463-974.110	189,261.47	244,316.87	55,055.40	19-000183
Street Sectioning	202-463-974.110	244,316.87	247,049.39	2,732.52	19-000561
Street Sectioning-Engineering	202-463-974.111	27,000.00	52,912.49	\$ 25,912.49	20-000014
Joint/Crack Sealing	203-463-818.035	42,500.00	65,902.04	\$ 23,402.04	20-000956
Street Sectioning	203-463-974.110	434,000.00	601,399.49	\$ 167,399.49	20-000225
Street Sectioning	203-463-974.110	601,399.49	617,231.99	15,832.50	19-000561
Street Sectioning	203-463-974.110	617,231.99	752,071.98	\$ 134,839.99	20-001167
Street Sectioning-Engineering	203-463-974.111	63,000.00	123,462.47	\$ 60,462.47	20-000014
Street Sectioning-Engineering	203-463-974.111	123,462.47	150,399.80	\$ 26,937.33	20-001166
Sidewalk Replacement	203-463-980.100	10,000.00	11,707.72	\$ 1,707.72	20-000629
Operating Supplies	243-535-740.000	4,850.00	4,893.48	\$ 43.48	20-001844
Park Improvements/Equipment	275-712-972.010	0.00	6,740.00	\$ 6,740.00	20-000992
Network Maintenance	402-903-818.105	29,000.00	30,376.37	\$ 1,376.37	20-002016
Network Maintenance	402-903-818.105	30,376.37	37,383.97	\$ 7,007.60	20-001845

JUSTIFICATION: To bring forward PO's from Fiscal Year 2019-2020 into the new fiscal year to finish projects and complete the purchases.

RESOLUTIONS:

Motion by Councilmember Towle, seconded by Councilmember Workman, that Resolution No. 20-22, regarding the Establishment of the **Water, Sewer and Sewer Debt Rates and Meter Charges** for the Period Beginning September 1, 2020, be Adopted.

RESOLUTION NO. 20-22
ESTABLISHING FEES FOR WATER AND SEWER RATES
AND METER CHARGES AS FEES TO BE ESTABLISHED
BY CITY COUNCIL RESOLUTION

WHEREAS, the City Council desires to establish Water and Sewer Rates and Meter Charges as fees to be established by city council resolution to be implemented for the City of Riverview;

WHEREAS, the respective Department Heads have proposed the fees;

WHEREAS, the City Council determines the proposed Fees to be required to meet the operational and capital needs for the effected Riverview Departments; and

WHEREAS, Section 26-13 of the Riverview City Charter provides for the City Council to establish the listed Fees by City Council Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVERVIEW, MICHIGAN, AS FOLLOWS:

The City Council hereby approves the proposed Fee Schedule as follows:

Water and sewer rates and meter charges.

Prior rates for periods through August 31, 2020 remain in effect.

a) *Water rates.* The rates and charges to be collected from consumers of water shall be such as specified in the following schedule. Water rate per thousand gallons delivered to the consumer shall be based on 1,000 gallons per each metering period effective September 1, 2020 shall be:

(1) For customers billed monthly:

- a. For the first 4,000,000 gallons per monthly billing cycle, the rate shall be \$8.31 per thousand gallons.
- b. For any amount in excess of the first 4,000,000 gallons per monthly billing cycle, the rate shall be \$4.15 per thousand gallons.

(2) For customers billed quarterly:

- a. For the first 12,000,000 gallons per quarterly billing cycle, the rate shall be \$8.31 per thousand gallons.
- b. For any amount in excess of the first 12,000,000 gallons per quarterly billing cycle, the rate shall be \$4.15 per thousand gallons.

b) *Water meter service charges.* The fees required by section 70-35 shall be as follows:

(1) Residential/consumers of water in the city shall pay the following meter service charges for each three-calendar-month period:

Meter Size:	
5/8"	\$2.75
3/4"	\$3.08
1"	\$3.83
1-1/2"	\$5.85
2"	\$10.53

(2) Industrial and high volume commercial consumers of water in the city shall pay the following meter service charge for each calendar month:

Meter Size:	
5/8"	\$0.92
3/4"	\$1.03
1"	\$1.28
1-1/2"	\$1.95
2"	\$3.51
2" Compound	\$7.39
3"	\$10.72
4"	\$14.61
6"	\$31.20
8"	\$46.00

c) *Sewer rates.* A sewage disposal charge to be collected at the rate of, per 1,000 gallons of water delivered to the consumer, effective September 1, 2020 shall be as follows:

- (1) For customers billed monthly:
 - a. For the first 6,000,000 gallons per monthly billing cycle, the rate shall be \$7.30 for operations and an additional \$0.70 for federal court mandated remedial costs, per thousand gallons.
 - b. For any amount of excess of the first 6,000,000 gallons per monthly billing cycles, the rate shall be \$4.70 per thousand gallons.
- (2) For customers billed quarterly:
 - a. For the first 18,000,000 gallons per quarterly billing cycle, the rate shall be \$7.30 for operations and an additional \$0.70 for federal court mandated remedial costs, per thousand gallons.
 - b. For any amount in excess of eighteen million (18,000,000) gallons per quarterly billing cycle, the rate shall be \$4.70 per thousand gallons.

d) *Non-residential user fee:* A charge to be collected at the rate of \$0.21 per 1,000 gallons of water delivered. For the purpose of this section, residential units are defined as any structure designed and used for year-round habitation where average occupancy by the same person or persons was longer than two (2) consecutive months during the previous year; non-residential units will include any sewerer premises which does not meet this description.

e) *Capital charges.* The fees as required by section 70-37 shall be as follows:
 Water capital charge, per connection...\$500.00
 Sewer capital charge, per connection...\$500.00

f) *Tap-in fees.* The fees as required by section 70-38 shall be as follows:
 Water or sewer tap-ins, where provided by the city, shall be 120 percent of the actual cost.

g) *Restoration of suspended service.* See DPW Service Fees

h) *Environmental surcharge for roof drainage:* The environmental surcharge for failure to comply with provisions regulating connection of roof drains with sewer system shall be, per quarter, \$50.00.

i) *Sewer use determination:* In calculating the sewer usage, the customer’s water use shall constitute the minimum quantity of sewer usage for the corresponding billing cycle. Any metered sewer flows that are determined to be in excess of the customer’s water use for the billing cycle shall also be charged the sewer rate set forth above.

j) *Billing cycle determination.* High volume customers shall be billed on a monthly cycle, and all other shall be billed on a quarterly cycle unless the customer seeks and obtains the approval of the city manager for placement on a monthly cycle with city council notification.

k) *Exclusive water service.* The water and sewer service provided by the city shall be the exclusive supply for such service. Effective January 1, 2002, it was deemed unlawful for any person within the city to have a water or sewer service connection with any other service provider without the express prior consent of the city council of the city.

AYES: Mayor Pro Tem O’Neil, Councilmembers Blanchette, Norton, Towle, Workman

NAYS: Councilmember Trombley

EXCUSED: Mayor Swift

ADOPTED this 21st day of September, 2020.

ATTEST:

 Sussie O’Neil, Mayor Pro Tem

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 September 21, 2020.

(S E A L)

 Cynthia M. Hutchison, City Clerk

ADMINISTRATION:

Motion by Councilmember Trombley, seconded by Councilmember Blanchette, that Authorization for

the Cooperative Purchase of Two (2) **Stryker Power Cots** and Loader Systems from Stryker Medical with their Zero percent (0%) Financing for **\$77,296.95**, be Approved.
Carried unanimously.

ORDINANCES:

Motion by Councilmember Towle, seconded by Councilmember O'Neil, that Authorization for the Clerk to give the **Second** Reading, by title only, of Proposed **Ordinance No. 713**, regarding amending the Code of Ordinances by the **Repeal of Section 38-9, Transportation or Possession of Usable Marijuana**, be Approved.
Carried unanimously.

PROPOSED ORDINANCE NO. 713

AN ORDINANCE TO AMEND CHAPTER 38 OF THE RIVERVIEW CODE, "OFFENSES AND MISCELLANEOUS PROVISIONS", BY THE REPEAL IN ITS ENTIRETY OF SECTION 38-9 "TRANSPORTATION OR POSSESSION OF USABLE MARIJUANA; PENALTY", OF ARTICLE I, "IN GENERAL", TO BE CONSISTENT WITH STATE LAW CONCERNING THE POSSESSION AND USE OF RECREATIONAL MARIHUANA.

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. Adoption: That Section 38-9, Transportation or possession of usable marijuana; penalty, is hereby repealed in its entirety in order to be consistent with state law concerning the possession and use of recreational marihuana.

CHAPTER 38 OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE I. IN GENERAL

Section 38-9. – Transportation or possession of usable marijuana; penalty.

(IS REPEALED IN ITS ENTIRETY)

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 September 8, 2020 shall be given a second reading on September 21, 2020, shall be adopted on September 21, 2020 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 21st day of September, 2020.

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 September 21, 2020.

Cynthia M. Hutchison, City Clerk

Motion by Councilmember Trombley, seconded by Councilmember Workman, that **Proposed Ordinance No. 713** be **Adopted**.
Carried unanimously.

Motion by Councilmember Trombley, seconded by Councilmember Workman, that Authorization for the Clerk to give the **Second** Reading, by title only, of Proposed **Ordinance No. 714**, regarding the Addition of a New Section 38-9, "**Water Encroachment on Public or Private Property**", be Approved.
Carried unanimously.

PROPOSED ORDINANCE NO. 714
AN ORDINANCE TO AMEND CHAPTER 38 OF THE RIVERVIEW CODE, "OFFENSES AND MISCELLANEOUS PROVISIONS", BY THE ADDITION OF A NEW SECTION 38-9, "WATER ENCROACHMENT ON PUBLIC OR PRIVATE PROPERTY", OF ARTICLE I, "IN GENERAL", TO ADDRESS THE PREVIOUSLY UNADDRESSED ISSUE OF WATER ENCROACHMENT IN THE CITY

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. Adoption: That Section 38-9, "Water encroachment on public or private property", is hereby added and adopted to hereafter read as follows:

CHAPTER 38 OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE I. IN GENERAL

Sec. 38-9. - Water encroachment on public or private property.

- (a) It shall be unlawful for any person to knowingly push, spray, move, direct, divert, dump, deposit, place, throw, or to otherwise cause or permit the directing or movement of any water, rainwater, liquid substance, liquid waste, hazardous liquid, greywater, black- water, or sewer water, upon any public or private property in the city for any purpose, without the consent of the public authority having supervision of public property or the owner of private property, unless specifically authorized by law or authorized public authority.
- (b) Violations and penalties. A person who violates or otherwise fails to comply with this section shall be subject to any one or more of the following:
 - (1) The first violation shall be a civil infraction with a fine of not more than \$100.00 plus court costs.
 - (2) A second violation shall be a civil infraction with a fine of not more than \$400.00 plus court costs.
 - (3) For a third or subsequent violation, a person shall be guilty of a misdemeanor.

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.

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ADOPTED, APPROVED AND PASSED by the City Council of the City of Riverview this 21st day of September, 2020.

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 September 21, 2020.

Cynthia M. Hutchison, City Clerk

Motion by Councilmember Trombley, seconded by Councilmember Workman, that Proposed **Ordinance No. 714** be **Adopted**.

Carried unanimously,

Motion by Councilmember Trombley, seconded by Councilmember Workman, that Authorization for the Clerk to give the **First** Reading, by title only, of Proposed Ordinance No. 715, to Amend the Code of Ordinances in regards to Chapter 62 "**Telecommunication**," by the Addition of Article IV "**Small Cell Wireless Facilities Deployment**," be Approved.

Carried unanimously.

PROPOSED ORDINANCE NO. 715

AN ORDINANCE TO AMEND CHAPTER 62 "TELECOMMUNICATIONS", OF THE RIVERVIEW CODE, BY THE ADDITION OF ARTICLE IV, "SMALL CELL WIRELESS FACILITIES DEPLOYMENT", TO REGULATE THE DEPLOYMENT OF SMALL CELL WIRELESS FACILITIES AND INFRASTRUCTURE WITHIN THE CITY.

Motion by Councilmember Trombley, seconded by Councilmember Workman, that Authorization for the Clerk to give the **First** Reading, by title only, of Proposed **Zoning Ordinance No. 716**, to Amend the City's Code of **Zoning Ordinances** by the Repeal and Re-Adoption of Section 24.14 of Article 24 "General Facilities," regarding "**Small Cell Wireless Communications Facilities**," be Approved.

Carried unanimously.

PROPOSED ZONING ORDINANCE NO. 716

AN ORDINANCE TO AMEND THE CITY OF RIVERVIEW'S ZONING ORDINANCE BY THE REPEAL AND RE-ADOPTION OF SECTION 24.14 "WIRELESS COMMUNICATION FACILITIES" OF ARTICLE 24 "GENERAL PROVISIONS", BY ADDING SECTION N "SMALL CELL WIRELESS FACILITIES", TO SECTION 24.14 TO PROVIDE THAT IT NOT CONFLICT WITH THE SMALL WIRELESS FACILITIES ACT, 2018 PA 365, MCL 460.1301, ET SEQ., AS AMENDED

CLOSED SESSION:

Motion by Councilmember Trombley, seconded by Councilmember Workman, to **Adjourn** into **Closed Session** for the Purpose of Discussing the **Purchase** of **Real Estate**.

Carried unanimously.

ADJOURNMENT:

The meeting adjourned at 8:15 p.m.

Sussie O'Neil, Mayor Pro Tem

Cynthia M. Hutchison, City Clerk