

CITY OF RIVERVIEW, WAYNE COUNTY, MICHIGAN,
HELD ON MONDAY, NOVEMBER 3, 2008 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 7:32 p.m.

Presiding: Mayor Durand

Present: Councilmembers Blanchette, Coffey, Rudicil Swift, Elmer Trombley, James Trombley

Also Present: Human Resources Director Hajkus, Police Chief Ginestet, Fire Chief Bosman, Finance Director D. Drysdale, Acting Community Development Director M. Drysdale, Public Works Director Hunter, Director of Solid Waste Bobeck, Assessor/Purchasing Director Kuch, Recreation Director Dickman, IT Director Harper, Golf Course Director Ford, Library Director Borger, Cornerstone Environmental Group Project Director Larky, Charles E. Raines Engineer Sabak, Attorney Pentiuk

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

The **Invocation** was given by Councilmember James Trombley.

AWARDS, PROCLAMATIONS AND PRESENTATIONS:

None.

MINUTES:

Motion by Councilmember Rudicil, seconded by Councilmember Coffey, that the **Minutes** of the regular meeting of **October 20, 2008** along with the condensed version for publication be approved as presented.

Carried unanimously.

PUBLIC HEARINGS:

None.

PUBLIC COMMENTS:

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

ORGANIZATIONAL BUSINESS:

None.

CONSENT AGENDA:

Motion by Councilmember James Trombley, seconded by Councilmember Swift, that the following items on the **Consent Agenda** be approved:

- Award Bid for Rotary Trim **Mower** to **Midwest Golf and Turf** in the amount of **\$28,163.40**.
- Award Bid for **Greens/Tree Sprayer** to **Spartan Distributors** in the amount of **\$23,008.81** for Golf Course.
- Accept proceeds from **Auction** of **Surplus Equipment** on the Michigan Inter-governmental Trade Network in the amount of **\$6,263.10**.
- Approve **Budget Amendment** as follows:

A.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
2008/09 Golf Course Fund:				
Rotary Mower	584-542-973.020	\$ 28,000.00	\$ 28,165.00	\$ 165.00
Greens / Tree Sprayer	584-542-973.022	24,000.00	23,010.00	(990.00)
Net decrease (increase) to Fund Balance				\$ (825.00)

JUSTIFICATION: To increase the appropriation for a new rotary mower and reduce the appropriation for a new greens/tree sprayer, based on current costs in the bid award.

Carried unanimously.

RESOLUTIONS:

Motion by Councilmember Blanchette, seconded by Councilmember Coffey, that Resolution **No. 08-23** amending the **Ambulance Fee Schedule** be adopted.

RESOLUTION NO. 08-23
 A RESOLUTION TO AMEND AND EXTEND AMBULANCE SERVICE FEES
 FOR THE CITY OF RIVERVIEW FIRE DEPARTMENT EMERGENCY
 MEDICAL SERVICES/AMBULANCE SERVICE

WHEREAS, The City Council desires to establish ambulance service fees for the Riverview Fire Department; and

WHEREAS, The Fire Chief for the Riverview Fire Department has proposed the ambulance service fees; and

WHEREAS, The City Council determines the proposed ambulance service fees to be able to meet the operational and capital needs for the Riverview Fire Department; and

WHEREAS, Section 26-13 of the Riverview Code of Ordinances provides for the City Council to establish the ambulance service fees annually by the 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 Emergency Medical Service fee schedule for the Riverview Fire Department.

Basic Life Support	
Resident	\$475.00
Non-Resident	\$525.00
Limited Life Support	
Resident	\$525.00
Non-Resident	\$575.00
Advanced Life Support 1	
Resident	\$575.00
Non-Resident	\$625.00
Advanced Life Support 2	
Resident	\$725.00
Non-Resident	\$750.07
Mileage (Loaded)	\$ 10.00
Extrication (Hydraulic Rescue Tool)	\$500.00
Medical Supplies	\$200.00

Billing Procedures:

1. For EMS transports or assists to industrial facilities, nursing homes, and other care facilities, the billing will be directed to that facility.
2. All other EMS transports or assists, the billing will be directed to the individual receiving the service.
 - a. For the non-transport fee: if EMS assistance is provided to a patient (i.e. blood pressure check, monitoring pulse, application of dressing, etc.) and the patient refuses transport to a standing medical facility, or if medical assistance is provided to a facility or residence more than three (3) times in a calendar year, a medical assist/no transport fee will be assessed.

This Resolution was adopted by the Riverview City Council at their regular meeting held on November 3, 2008, and effective upon publication.

 Tim Durand, Mayor

Carried unanimously.

ADMINISTRATION:

None.

ORDINANCES:

Motion by Councilmember Blanchette, seconded by Councilmember James Trombley, that the Clerk be authorized to give the **Second Reading**, by title only, of Proposed **Ordinance No. 615** regarding **Sexually Oriented Businesses** be authorized.

Carried unanimously.

The Human Resource Director acting as the City Clerk gave the Second Reading, by title only.

PROPOSED ORDINANCE NO. 615

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY AMENDING SECTION 14-425 "INDIVIDUAL BOOTHS, ROOMS OR CUBILCES PROHIBITED" OF ARTICLE IX. "SEXUALLY ORIENTED BUSINESSES" IN CHAPTER 14 "BUSINESSES" TO PROVIDE THAT THE CONFIGURATION OF ANY ROOM WHERE MECHANICAL OR ELECTRONIC IMAGE-PRODUCING DEVICE DISPLAYS SPECIFIED SEXUAL ACTIVITIES OR SPECIFIED ANATOMICAL AREAS IN SUCH A MANNER THAT THERE IS AN UNOBSTRUCTED VIEW FROM AN OPERATOR'S STATION OF EVERY AREA OF THE PREMISES; ADDING A NEW SECTION 14-427 "NO TOUCHING OF PERFORMERS BY PATRONS"; ADDING A NEW SECTION 14-428 "PROHIBITION ON TOTAL NUDITY".

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. That Section 14-425 "Individual Booths, Rooms or Cubicles Prohibited" of Article IX. "Sexually Oriented Businesses" in Chapter 14 "Businesses"; adding a new Section 14-427 "No Touching of Performers by Patrons"; adding a new Section 14-428 "Prohibition on Total Nudity" are hereby amended or added, to hereafter read as follows:

Chapter 14 "Businesses"
Article IX. "Sexually Oriented Businesses"

1. Section 14-425. Individual booths, rooms or cubicles prohibited.
Any individual viewing booths, entertainment rooms, or similar cubicles designed or used for one or two persons to view specified anatomical areas, to view specified sexual activities, or to receive adult personal services, shall not be completely enclosed from the common areas or hallways of the sexually oriented business. The configuration of any room where any mechanical or electronic image-producing device displays specified sexual activities or specified anatomical areas in such a manner that there is an unobstructed view from an operator's station of every area of the premises.
2. Section 14-427. No touching of performers by patrons.
All semi-nude adult-entertainment performers must maintain a six-foot distance from patrons, on a stage at least eighteen inches from the floor, in a room at least six-hundred feet. Patrons are not permitted to touch the performers.
3. Section 14-428. Prohibition on total nudity.
Adult-entertainers shall not be permitted to perform totally nude, as defined by this Ordinance. Performers shall only be permitted to dance semi-nude, as defined by this Ordinance.

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, sentences, 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 October 20, 2008, shall be given a second reading on November 3, 2008, shall be adopted on November 3, 2008, 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 3rd day of November, 2008.

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 November 3, 2008.

John Hajkus, Human Resources Director

Motion by Councilmember James Trombley, seconded by Councilmember Rudicil, that Proposed **Ordinance No. 615** be **adopted**.
Carried unanimously.

Motion by Councilmember Blanchette, seconded by Councilmember Elmer Trombley, that the Clerk be authored to give the **Second Reading**, by title only, of Proposed **Ordinance No. 616** regarding **State Law Misdemeanors** Punishable by Local Ordinance be authorized.
Carried unanimously.

The Human Resource Director acting as the City Clerk gave the Second Reading, by title only.

PROPOSED ORDINANCE NO. 616

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY THE ADDITION OF SECTION 38-6 OF ARTICLE I “IN GENERAL” IN CHAPTER 38 “OFFENSES AND MISCELLANEOUS PROVISIONS” TO ADD A SECTION MAKING ALL STATE LAW MISDEMEANORS PROHIBITED IN THE CITY AND PUNISHABLE BY LOCAL ORDINANCE.

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. Amendments: That Section 38-6, State Law, Misdemeanors, under Chapter 38 “Offenses and Miscellaneous Provisions”, Article I “In General”, be added to hereafter read as follows:

Chapter 38 “Offenses and Miscellaneous Provisions”
Article I “In General”

Section 38-6. State law, misdemeanors.

Every act prohibited by state law as a misdemeanor is hereby prohibited, and whoever violates the provisions of this section within the city shall, upon conviction thereof, be punished as prescribed in section 1-8 of this Code.

ARTICLE II. Penalty: A person violating this ordinance shall be punished as a misdemeanor 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, sentences, 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 October 20, 2008, shall be given a second reading on November 3, 2008, shall be adopted on November 3, 2008, 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.

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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 November 3, 2008.

John Hajkus, Human Resources Director

Motion by Councilmember Elmer Trombley, seconded by Councilmember Swift, that Proposed **Ordinance No. 616** be adopted.

Carried unanimously.

Motion by Councilmember James Trombley, seconded by Councilmember Blanchette, that the Clerk be authorized to give the **Second Reading**, by title only, of Proposed Ordinance **No. 617** as amended regarding the **Riverview Employees' Retirement System**.

Carried unanimously.

The Human Resource Director acting as the City Clerk gave the Second Reading, by title only.

PROPOSED ORDINANCE NO. 617

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY THE REPEAL AND READOPTION OF SUBSECTIONS (a)(4) AND (a)(5) OF SECTION 2-267 "COMPOSITION" TO CLARIFY THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE RIVERVIEW EMPLOYEES RETIREMENT SECTION TO RECOGNIZE THAT GOLF COURSE UTILITY SERVICE MEMBERS HAVE BEEN TRANSFERRED TO THE LANDFILL MAINTENANCE STAFF; UNDER CHAPTER 2 "ADMINISTRATIONS" ARTICLE VI "EMPLOYEE BENEFITS", DIVISION 2 "RETIREMENT SYSTEM"

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. Adoption. That Section 2-267 is hereby repealed and readopted to hereafter read as follows:

Chapter 2. Administration
Article VI. Employee Benefits
Division 2. Retirement System

Section 2-267. Composition

(a) The board of trustees shall consist of the following nine individuals.

1. (Unchanged.)
2. (Unchanged.)
3. (Unchanged.)
4. One landfill maintenance member, to be elected by and for the landfill maintenance member.
5. Three non-police members, to be elected by and from the following groups:
 - Administrative personnel;
 - Technical/professional personnel;
 - Clerical employees;
 - Department of public works maintenance employees;
 - Employees-At large.

No more than one member may be elected from any one of the employee groups enumerated in this subsection.

(b) (Unchanged.)

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, sentences, phrases or portions of the Ordinance.

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ARTICLE V. Reading and Publication: This Ordinance shall be given a first reading on October 20, 2008, shall be given a second reading on November 3, 2008, shall be adopted on November 3, 2008 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.

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John Hajkus, Human Resources Director

Motion by Councilmember James Trombley, seconded by Councilmember Elmer Trombley, that Proposed **Ordinance No. 617** be **adopted**.

Carried unanimously.

OTHER BUSINESS:

None.

CLOSED SESSION:

None.

ADJOURNMENT:

Motion by Councilmember Elmer Trombley, seconded by Councilmember Coffey, that the meeting be **adjourned**.

Carried unanimously.

Meeting **adjourned** at 7:50 p.m.

Tim Durand, Mayor

John Hajkus, Human Resources Director