

**MINUTES OF THE BENTON HARBOR CITY COMMISSION
LULA LEE COMMISSION CHAMBERS
MARCH 21, 2022**

The regular meeting of the Benton Harbor City Commission was called to order by Mayor Muhammad at 7:01p.m. Invocation led by Commissioner Singleton, followed by the Pledge of Allegiance led by Commissioner Edwards. Roll call showed the following members present: Commissioners Adams, Clark-Griffin, Edwards, Henry, Isom, Singleton, Mayor Muhammad. Members Absent: Commissioner Henderson, Mayor Pro-Tem Seats (arrived at 7:09pm). Also present: City Manager Mitchell, Director of Public Safety McGinnis, Assessor Story, Community and Economic Director Little, Attorney Racht and City Clerk Moore.

APPROVAL OF MINUTES

A motion was made by Commissioner Singleton and supported by Commissioner Edwards to approve the Regular Minutes of November 1, 2022, Regular Minutes of March 7, 2022, and Close Minutes of March 7, 2022. Motion carried on the following roll call vote: YEAS: Commissioners Edwards, Henry, Isom, Singleton, Adams, Clark-Griffin, Mayor Muhammad. NAYS: None. Members Abstain: None. Members Absent: Commissioner Henderson, Mayor Pro-Tem Seats.

APPROVAL OF ACCOUNTS PAYABLE

A motion was made by Commissioner Adams and supported by Commissioner Edwards to approve the Accounts Payable Listing. Discussion included the need for a Finance Director, the invoice for KC State Bank for a backhoe was questioned, Commissioner Henry stated every time used equipment is purchased, repairs are paid over and over. Manager Mitchell will collect more information on that. Commissioner Adams questioned was there was still no Finance Director present when a motion was made to add that requirement to a resolution, she also asked for a list of payments for the bond for the water plant from the acting Finance Director but have yet to get a response. **Motion carried on the following roll call vote. YEAS: Commissioners Isom, Singleton, Edwards, Mayor Muhammad. NAYS: Commissioners Henry, Adams, Clark-Griffin. Members Abstain: None. Members Absent: Commissioner Henderson and Mayor Pro-Tem Seats.**

CITIZENS COMMENTS

Marvin Haywood stated his distain for the Lead Line Replacement Ordinance passed on February 7, 2022 that threatens jail time for those that do not have their lines replaced. He asked why a straight answer can't be given on what's going on with the water plant. He asked how many lines have been replaced, as he didn't see that information on the website.

Gwen Swanigan invited everyone to a town hall meeting this Friday at 6:30 where the Lead Line Ordinance will be a topic of concern. She asked who thought to put jail time of 90 days as a penalty. She stated that residents should not be penalized for something that is not their fault and doesn't believe that residents were informed of the penalties in their entirety and is asking for an amendment to the ordinance.

Emma Kinnard stated that the residents are getting mixed messages. She keeps asking when the city is going to get a Finance Director and was told there was one but then we are hiring one, so which is it, she's confused. She stated a lot of things are wrong at the water plant and is asking what is wrong, what has been fixed and would like a clear message on whether or not to use the water.

Elnora Gavin said she never thought she would be at a meeting discussing a law with a penalty for not replacing the lead lines. She stated this is cruel and asked why the Commission would vote to lock up homeowners. She believes people are uninformed about the options and is asking that the ordinance be changed.

CONSENT CALENDAR

Motion by Commissioner Edwards to approve the Consent Calendar items, supported by Commissioner Singleton. Commissioners Adams and Clark-Griffin asked to separate items. **Motion rescinded by Commissioner Edwards, supported by Commissioner Adams.**

Commissioner Clark-Griffin requested to separate APPROVAL OF A FOLLOW UP MANAGER EVALUATION TO TAKE PLACE ON SEPTEMBER 9, 2022 from the Consent Calendar for discussion.

The following Consent Calendar items were moved by Commissioner Adams and supported by Mayor Pro Tem Seats. Motion carried on the following roll call vote: YEAS: Commissioners Henry, Isom, Singleton, Mayor Pro Tem Seats, Commissioners Adams, Clark-Griffin, Edwards, Mayor Muhammad. NAYS: None, Abstain: None, Absent: Commissioner Henderson.

APPROVAL OF THE 2022 JUNETEENTH CELEBRATION PARADE

APPROVAL OF A 1-YEAR EXTENSION TO THE JEAN KCLOCK PARK CONCESSION AGREEMENT

SEPARATED ITEMS

Motion was made by Commissioner Singleton and supported by Commissioner Adams for the **APPROVAL OF A FOLLOW UP MANAGER EVALUATION TO TAKE PLACE ON SEPTEMBER 9, 2022.** During Discussion, Commissioner Isom stated that the Resolution was put together by the Personnel & Finance Committee to look at areas of improvement as discussed in the Closed Session on March 7, 2022. Commissioner Adams asked if there was a contract with Manager Mitchell and her opinion is to put forth a job search for a City Manager. Mayor Pro Tem Seats stated he was not in attendance at that meeting, but believes if items need correcting, then an evaluation needs to happen in 90 days and if there isn't a contract then one is needed. Commissioner Clark-Griffin believes 6 months is too long, one should be done in 30 days. Mayor Muhammad stated that City Manager Mitchell is operating under the City Charter, there is no contract between the City and the Manager. According to the employee handbook, the Manager is the only employee that can go into contract but it is not a requirement and he is currently working as an at-will employee. The evaluation period of 6 months is based on the Personnel & Finance Committee recommendation and the evaluation of the City Manager. He believes it is appropriate to have everyone fill out an evaluation properly because it is the Commissions duty to conduct the evaluation. Adams stated she didn't go

into closed session for the evaluation because she handed in a paper form long before the evaluation took place and stated the residents are tired of not getting answers and can agree to a 60-day evaluation. **Motion carried** on the following roll call vote: YEAS: Commissioners Isom, Singleton, Edwards, Henry, Mayor Muhammad. NAYS: Mayor Pro Tem Seats, Commissioners Adams, Clark-Griffin. Members Abstain: None. Members Absent: Commissioner Henderson.

COMMUNICATIONS

Assessor Story stated that the March Board of Review will take place Tuesday from 2-5pm and 6-9pm and Wednesday from 9am-12pm and 1-4pm, this is an opportunity to turn in disabled veteran paperwork and apply for a hardship extension.

Director Little awarded Commissioner Edwards with a Certificate of National Recognition from the Small Town American Volunteer Group for his volunteer efforts.

Attorney Racht spoke on the Lead Line Ordinance. He stated that if the city issues a ticket, it is reviewed by the Attorney who will decide to authorize it or not and make recommendations to the court. There is always the potential jail time with anything that is criminal. The ordinance allows either the property owner or the tenant to approve the replacement work.

Manager Mitchell stated the City won an award from the American Council of Engineering Companies of Michigan for projects submitted by Abonmarche.

COMMISSION COMMENTS

Commissioner Adams stated she is shocked to not get an update on County foreclosures and that there is a need to get city property for rehab. She said the Lead Line Replacement Ordinance should go back to Committee to be reviewed and requested a list of the water plant payments because there is funding becoming available for brand new plants.

Commissioner Clark-Griffin stated that the Lead Line Replacement Ordinance was passed shortly after she took her seat as Commissioner. She remembers the discussion on reducing the time to perform the work from 180-90 days and when she asked the Attorney for clarification of penalties, he stated community service and fines but never mentioned jail time, she is asking that the imprisonment be amended.

Commissioner Henry stated that so much needs to be done for the citizens of Benton Harbor and things are going slow. She agrees that the Ordinance should go back to Committee to entertain an amendment. She mentioned that the Communication Committee meets the 4th Monday of every month at 5:30. They are currently working on the newsletter, chamber tech upgrade and other things to help reach out to the citizens. She is asking to not cancel any more committee meetings; we need to work on the City needs and would like Planning & Economic Development to entertain the Mercy project and make sure people have a choice.

Commissioner Edwards stated he would have not received his volunteer award without the grace of God. To volunteer for a program you like is easy, to volunteer for a program that's needed is love.

Commissioner Isom thanked the residents for their comments, they were heard. More than 1200 right of access letters went out. Since Thursday over 582 lead lines were replaced, approximately 3800 still need to be replaced. The Commission is here to help people, not hurt them.

Commissioner Singleton was unable to attend the meeting where the Ordinance was passed. He does not want anyone to go to jail. He doesn't think it will get to the point where anyone would go to jail, because who doesn't want their lines replace.

Mayor Pro Tem Seats doesn't believe it was anyone's intentions that the jail lingo was in the ordinance, but it needs to go immediately. The change we want to see starts with us. He stated after the lines are in, the contractors need to make sure that holes are filled and grass is put back in. He said he would donate his stipend for the rest of the year for asphalt to repair the potholes. He expressed the need to take action in the Township for the shootings that are happening there. When someone mentions Benton Harbor, it is not just in the City.

Mayor Muhammad read an email response that he sent to Ms Swanigan regarding the replacement of the lead lines. He stated any misdemeanor is subjected to a \$500 fine or 90 days in jail. Other cities are trying to figure out funding on how to replace their lead lines and we are getting ours done for free. He stated that 1/3 of the workers on the lead line replacement project are residents. Our focus is to educate and inform residents that the lines are getting replaced for free. The original ordinance was amended to allow the occupant/tenant/resident/owner to give approval for the replacement. He does not have a problem removing the jail time from the ordinance, but wants to express the importance in filling out the right of entry form.

MOTION TO ADJOURN

A motion made by Commissioner Singleton and supported by Commissioner Adams to adjourn the meeting and was carried on the following roll call vote: YEAS: Commissioners Adams, Clark-Griffin, Edwards, Henry, Isom, Singleton, Mayor Pro Tem Seats, Mayor Muhammad. NAYS: None. Abstain: None. Absent: Commissioner Henderson

There being no further business to discuss, the meeting adjourned at 8:16 p.m.

Tiffany Moore, City Clerk

Marcus Muhammad, Mayor