

**MINUTES OF THE BENTON HARBOR CITY COMMISSION
LULA LEE COMMISSION CHAMBERS
APRIL 18, 2022**

The regular meeting of the Benton Harbor City Commission was called to order by Mayor Muhammad at 7:02p.m. Invocation led by Public Safety Director McGinnis, followed by the Pledge of Allegiance led by City Manager Mitchell. Roll call showed the following members present: Commissioners Adams, Clark-Griffin, Edwards, Henderson, Henry, Isom, Singleton, Mayor Muhammad. Members Absent: Mayor Pro-Tem Seats. Also present: City Manager Mitchell, Director of Public Safety McGinnis, Assessor Story, Attorney Racht and City Clerk Moore.

APPROVAL OF MINUTES

A motion was made by Commissioner Adams and supported by Commissioner Henderson to approve the Regular Minutes of April 4, 2022, Special Minutes of April 11, 2022 and Closed Session Minutes of April 11, 2022. Motion carried on the following roll call vote: YEAS: Commissioners Adams, Clark-Griffin, Edwards, Henderson, Henry, Isom, Singleton, Mayor Muhammad. NAYS: None. Members Abstain: None. Members Absent: Mayor Pro Tem Seats.

APPROVAL OF ACCOUNTS PAYABLE

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

PRESENTATION – 2022 KITCHENAID SENIOR PGA COMMUNITY CONCERT, BRYAN JOSEPH & JERRY PRICE

Jerry Price announced the Senior PGA on May 25-29, 2022. Beginning on Wednesday, local bands have been contacted to help highlight the downtown area businesses. During the event there will be a host of celebrity chefs on the course giving cooking demonstrations. On Saturday, the YMCA kids zone will be on course.

Bryan Joseph announced Stephanie Mills as the headliner for the community concert, she is known as Dorothy in the Wiz on Broadway. The concert will also highlight Gerald Albright as the opener. This will take place in the Dwight P Mitchell City Park at 7pm on the 26th, there will also be local food vendors. Whirlpool will be sponsoring the concert.

UPDATE – COUNTY COMMISSIONER YARBROUGH

Commissioner Yarbrough announce that March 31 was the last day to get caught up with their taxes from 2019 before going into foreclosure. There are a number of payment options available, including payment plans.

The County contracted with a company during the last tax sale and they sold all the parcels. This season there are 144 parcels for sale. The final date for bidding is August 8, 2022, the bidding will begin on July 18, 2022, information can be accessed on the County website www.berriencounty.org by going to Treasurer and land/tax sale. There is a \$1,000 deposit to bid. There is also a computer at the

administration building where you can look up all property information. There are city properties that can be taken out of the sale at the request of the city, taxes due would need to be paid to obtain those. She also announced there are 60-80 jobs available in Berrien County, those can also be found on the county website.

Commissioner Adams requested that a list of all the properties be sent to the Commissioners and asked if the city can work with the County to help clean up Ox Creek.

Yarbrough stated the County is involved in the trails program, and Ox Creek is involved in that.

UPDATE – MASTER PLAN

Lee Reed, Chair of the Planning Commission, and Paul Lippins from McKenna presented a draft schedule, discussion topics and themes for Planning the week of June 6-10.

Reed also stated there is a trails meeting on April 28, so he will report back after that meeting.

Commissioner Henderson suggested setting up during city events to take feedback.

Commissioner Edwards asked how much notice is needed to request them to attend an event. Lippins stated they are actively working on flyers, a website is planned to be launched the first week in May and they are looking at outreach events in May.

Commissioner Adams would like to hear from the youth in the community and suggests doing so after the Peace Walk.

Commissioner Henry asked if a data base is kept when they reach out to residents that included their name and address, she is concerned on the feedback of the city vs the township residents. Lippins responded that they have been keeping a list, but it didn't include the address so they will do so moving forward.

CITIZENS COMMENTS

Emma Kinnard stated she was present at the job fair and it was not up to what it should have been. She stated there needed to be more accountability from the city and a rep should be present to speak on the availability of jobs.

Michael Hoyh gave an update on the Benton Harbor unsolved murders. He stated there will be a press conference on Tuesday at 11:30 am at United Memorial AME Church at 911 S Crystal where an update will be provided on the Eric McGinnis case. The author of the book will be there.

Trenton Bowen encouraged the Commission to be consistent with the charter and laws. He stated if one is changed, they should all be changed. He spoke on the success of the Easter Egg Hunt on April 16 where information was given on the right of entry for the lead line replacement.

Elnora Gavin thanked the Commission for putting forth an amendment to the penalty for the lead line replacement ordinance.

Marvin Haywood stated he was grateful for the ordinance amendment on the floor. He thanked Chairman Reed and Paul Lippins for being open with the planning process for the Master Plan. He stated the Peach Day Celebration on June 10 would be a significant event to bring the youth of Benton Harbor together.

Stephen Houser commended the Commission for a good job with what's been done with the city. He stated how outstanding the Police Department is and how it's needed to get the youth to put

down a gun and pick up a rake and shovel and expressed the need for a raise and better benefits in the department.

CONSENT CALENDAR

Commissioner Adams requested to separate RESOLUTION TO UTILIZE ARPA FUNDS TO UPGRADE AND INSTALL NEW COMPUTERS/PRINTERS IN NINE (9) MARKED PUBLIC SAFETY VEHICLES from the Consent Calendar for discussion.

Commissioner Adams requested to separate RESOLUTION APPROVING JUSTICE GROWN'S (DBA BLOC) SPECIAL USE PERMIT FOR FACILITY LOCATED AT 200 E MAIN STREET IN BENTON HARBOR from the Consent Calendar for discussion.

Commissioner Singleton requested to separate RESOLUTION AMENDING ORDINANCE 44-46 PENALTY OF CHAPTER 44 ARTICLE II "MANDATORY REPLACEMENT OF LEAD SERVICE LINE, ORDINANCE NO. 020722, VERSIONS A & B from the Consent Calendar for discussion.

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

RESOLUTION TO RE-APPOINT RAYMOND MCGEE TO THE PLANNING COMMISSION

RESOLUTION TO APPOINT DAVIE GRAY TO THE DIAL-A-RIDE BOARD

RESOLUTION TO RE-APPOINT EDDIE MARSHALL TO THE HOUSING COMMISSION

AMENDMENT TO RESOLUTION 122021-2 APPROVING GREENSTONE WELLNESS' SPECIAL USE PERMIT FOR FACILITY LOCATED AT 90 WEST MAIN STREET IN BENTON HARBOR

RESOLUTION APPROVING JUSTICE GROWN'S (DBA BLOC) APPLICATION FOR ONE ADULT-USE RETAIL FACILITY PERMIT

SEPARATED ITEMS

Motion was made by Commissioner Singleton and supported by Commissioner Henderson to approve the RESOLUTION TO UTILIZE ARPA FUNDS TO UPGRADE AND INSTALL NEW COMPUTERS/PRINTERS IN NINE (9) MARKED PUBLIC SAFETY VEHICLES.

Mayor Muhammad read the Resolution.

During Discussion, Commissioner Adams asked if the vehicles that the tech goes in will be larger than the current vehicles. Mayor Muhammad stated the discussion was on the equipment, not the vehicles. Commissioner Henderson asked if the equipment was needed so the officers can work in the vehicles.

Director McGinnis explained that the current computers were a few years old and Berrien County Dispatch changed their system, so these would integrate with theirs, as well as with BS&A and their pre-planning software so they would be able to see information on the structures for fire, etc, they would also be able to get real time CAT information.

Mayor Muhammad stated he supported this resolution because it will allow us to move with the technology and modern times.

Commissioner Singleton stated the more information you could have readily available is imperative. Commissioner Adams stated she didn't disapprove of the resolution, she was present at the Public Safety Committee meeting and moving forward, would like to be notified when the lease is up on the vehicles.

With no further discussion, **Motion carried** on the following roll call vote: YAYS: Commissioners Henderson, Henry, Isom, Singleton, Adams, Clark-Griffin, Edwards, Mayor Muhammad. NAYS: None. Abstain: None. Absent: Mayor Pro-Tem Seats.

Motion was made by Commissioner Adams and supported by Commissioner Edwards to approve the RESOLUTION APPROVING JUSTICE GROWN'S (DBA BLOC) SPECIAL USE PERMIT FOR FACILITY LOCATED AT 90 WEST MAIN STREET IN BENTON HARBOR.

During discussion, Commissioner Adams asked why they were not operation and she thought this was previously approved. Mayor Muhammad clarified that they were operating under their previously approved Medical Marijuana License, this approval is for Adult Use (Recreational).

With no further discussion, **Motion carried** on the following roll call vote: YAYS: Commissioners Henry, Isom, Singleton, Adams, Clark-Griffin, Edwards, Henderson, Mayor Muhammad. NAYS: None. Members Abstain: None. Members Absent: Mayor Pro Tem Seats.

Motion was made by Commissioner Adams and supported by Commissioner Edwards to open discussion on RESOLUTION AMENDING ORDINANCE 44-46 PENALTY OF CHAPTER 44 ARTICLE II "MANDATORY REPLACEMENT OF LEAD SERVICE LINE, ORDINANCE NO. 020722, VERSIONS A & B.

During discussion, Commissioner Clark-Griffin asked why there were two versions of the resolutions and who created them.

Attorney Racht responded that Director McGinnis created Version A and he created Version B to have more consistency and continuity with the other city ordinances and to clarify civil infraction and civil fine. He explained most city ordinances have a minimum and maximum fine so the court has direction on what the city wants, he stated the amounts can be changed to whatever the Commission wants to do. Commissioner Henry asked what the usual maximum amount for a civil infraction was. Attorney Racht responded that for civil infractions there is no set amount because it is a civil fine but for misdemeanors it's \$500.

Commissioner Adams asked why are people of the community being penalized at all when 2,000 lines have been replaced with consent. Attorney Racht stated the penalty provision is totally up to the Commission.

Commissioner Singleton stated the Public Safety Committee wanted to make sure something was presented to remove the misdemeanor and jail time. He asked for clarification on the difference between any person or customer stated in Version B.

Attorney Racht stated he was using existing ordinances for continuity and in the utility ordinance, person or customer is one in the same.

Mayor Muhammad explained that similar to water bills that follow the property, the person named is responsible. If the landlord allows entry but the tenant refuses, the penalty would be assessed to the person not allowing the work to be done. He also stated if the municipality was deemed responsible for the replacement then the ordinance puts something in place to ensure compliance and ensure for the health and safety of the residents and ensures the municipality carries out their duties.

Attorney Racht stated the municipality has to be able to use force to replace the lines to keep the city in compliance and from being assessed penalties.

Mayor Muhammad asked if the resident or homeowner refuses, can the maximum penalty be the cost of the replacement.

Commissioner Clark-Griffin stated that Version B is too open and Version A is to the point.

Director McGinnis stated the ordinance was discussed in the Legislative Committee, who then forwarded it on to the Public Safety Committee, he took orders to take out the penalty line decriminalizing misdemeanors. He sent a draft to the Manger to send to the Attorney for review. He explained that Officer Bruce has been in contact with residents refusing the work, getting them to comply.

Attorney Racht explained he spoke with Director McGinnis and stated the versions are similar, only making Version B more continuous with the utility ordinance.

Commissioner Edwards did research and found Version B to be more consistent with other ordinances. His reasoning for supporting Version B is because if an owner owns multiple properties and they refuse, then they can afford the fine.

Commissioner Adams asked if consent forms for vacant land need to be sent in and why not just eliminate our own law, instead of criminalizing residents.

With no further discussion, **Motion by Commissioner Singleton and supported by Commissioner Henderson to approve RESOLUTION AMENDING ORDINANCE 44-46 PENALTY OF CHAPTER 44 ARTICLE II “MANDATORY REPLACEMENT OF LEAD SERVICE LINE, ORDINANCE NO. 020722, VERSION B WITH A MAXIMUM OF NO MORE THAN \$500.**

Motion carried on the following roll call vote: YAYS: Commissioners Isom, Singleton, Edwards, Henderson, Henry, Mayor Muhammad. NAYS: Commissioners Adams, Clark-Griffin. Abstain: None. Absent: Mayor Pro Tem Seats

COMMUNICATIONS

Director McGinnis reminded everyone about Chat with Chief on Facebook every Monday at 9am. In reference the Eric McGinnis case, if there is any information anyone wants, he can get it.

Assessor Story stated that the March Board of Review went well, the paperwork is in process and that concludes the assessment year 2022, she will not start working on assessments for 2023.

COMMISSION COMMENTS

Commissioner Edwards stated he attended and helped out at the job fair. And asked that starting May 1 through Dec 31 that people say something good about Benton Harbor. He listed the good that the city has done, with the lead of the Mayor, Public Safety, Committees, and Commissioners. Suggested if people don't like it to move.

Commissioner Henderson thanked everyone for coming out and being present. She encouraged residents to provide input for the Master Plan. She stated there are so many events happening in the

City and encourage involvement. Said it was easy to focus on the negative, we need to focus on the positive.

Commissioner Adams stated it is the time to learn and educate and we should nurture the desire of those to teach. She would like to see from the Public Safety Committee, that narcotics officers have body cams, and request the use of ARPA to purchase those.

Commissioner Isom appreciates all the comments. He congratulated Justice Grown and all the appointments. He mentioned the Monument Project will be asking permission to put a statue in City Center Park.

Commissioner Singleton thanked the residents for making their concerns know. He stated the ordinance was kicked around to multiple committees. And that we live in an imperfect world so the time is now to get things done and take the opportunity to do so.

Mayor Muhammad stated he had the opportunity to travel to Miami Beach, but there is no beach like Jean Klock Park. He was looking at their businesses and brought visions on a smaller scale for entrepreneurs and small businesses to create jobs in the community. He thanked the Council on their leadership and stated that cities have to be rebuilt.

MOTION TO ADJOURN

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

There being no further business to discuss, the meeting adjourned at 9:06 p.m.

Tiffany Moore, City Clerk

Marcus Muhammad, Mayor