

**MINUTES OF THE BENTON HARBOR CITY COMMISSION
LULA LEE COMMISSION CHAMBERS
JUNE 6, 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 Henderson, followed by the Pledge of Allegiance led by Commissioner Singleton. Roll call showed the following members present: Commissioners Adams, Clark-Griffin, Henderson, Isom, Singleton, Mayor Muhammad. Members Absent: Commissioners Edwards (arrived at 7:08pm), Henry (arrived at 7:06pm) Mayor Pro-Tem Seats (arrived at 7:10pm, left at 9:10pm). Also present: City Manager Mitchell, Director of Public Safety McGinnis, Assessor Story, Director of Community & Economic Development Little, Attorney Racht and City Clerk Moore.

APPROVAL OF MINUTES

A motion was made by Commissioner Henderson and supported by Commissioner Singleton to approve the Regular Minutes of May 16, 2022. Motion carried on the following roll call vote: YEAS: Commissioners Isom, Singleton, Adams, Clark-Griffin, Henderson, Mayor Muhammad. NAYS: None. Members Abstain: None. Members Absent: Mayor Pro Tem Seats, Commissioners Edwards, Henry.

APPROVAL OF ACCOUNTS PAYABLE

A motion was made by Commissioner Henderson and supported by Commissioner Isom to approve the Accounts Payable Listing.

During Discussion, Commissioner Adams asked about the mowing of city owned property and the cemetery and stated until a Finance Director reports to the body, she will continue to vote no.

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

CITIZENS COMMENTS

Lee Reed, Chairman of Planning Commission gave an update on the kickoff of Master Planning Week.

Abisayo Muhammad presented the free kite flying event taking place on June 25, from 9am-2pm at the SW MI Regional Airport.

Gerik Nasstrom, with the OutCenter of Southwest Michigan announced the Annual Pride Event on June 25, from 3pm-6pm at City Center Park.

Clerk Moore read an email on behalf of Shaquille Turner, as he was not able to be present.

CONSENT CALENDAR

A motion was made by Commissioner Adams and supported by Clark-Griffin to bring back the tabled resolution for DECLARATION ON TRUTH, RECONCILIATION, AND REPARATIONS to the floor. Motion carried on a unanimous roll call vote.

Commissioner Adams requested to separate RESOLUTION TO UTILIZE ARPA FUNDS TO ASSIST WITH THE PURCHASING OF A NEW FIRE ENGINE ALONG WITH FDCVT FUNDS from the Consent Calendar for discussion.

Commissioner Adams requested to separate RESOLUTION FOR THE ACCEPTANCE OF THE FIRST RESPONDER TRAINING AND RECRITMENT GRANT AWARDED BY THE STATE OF MICHIGAN from the Consent Calendar for discussion.

Commissioner Adams requested to separate APPROVAL OF CRYSTAL SPRINGS CEMETERY LAWN MAINTENANCE AGREEMENT from the Consent Calendar for discussion.

Mayor Pro Tem Seats requested to separate RESOLUTION APPROVING THE DWIGHT P MITCHELL CITY CENTER PARK AS THE SITE FOR PLACEMENT OF A MONUMENT HONORING DR MARTIN LUTHER KING JR from the Consent Calendar for discussion.

The following Consent Calendar items were moved by Commissioner Singleton and supported by Commissioner Adams. Motion carried on a unanimous roll call vote.

RE-AUTHORIZATION OF THE CITY MANAGER TO EXECUTE A GRANT WITH THE SOUTHWEST MICHIGAN COMMUNITY ACTION AGENCY TO ACCEPT AND OPERATE THE \$75,000 CDBG YOUTH EMPLOYMENT PROGRAM

ACCEPTANCE OF THE FINANCIALLY DISTRESSED CITIES, VILLAGES AND TOWNSHIPS GRANT (“FDCVT”) – PUBLIC SAFETY ENHANCEMENT THROUGH REPLACEMENT OF A FIRE ENGINE

SEPARATED ITEMS

Motion was made by Commissioner Edwards and supported by Commissioner Adams to approve the RESOLUTION TO UTILIZE ARPA FUNDS TO ASSIST WITH THE PURCHASING OF A NEW FIRE ENGINE ALONG WITH FDCVT FUNDS.

During Discussion, Commissioner Adams asked for clarity on the previous approval of a purchase of a fire truck. Director McGinnis clarified that there are 3 currently owned apparatus, the truck in question is 23 years old, a grant was submitted to cover the full amount, since then the price increased due to supply and the grant award doesn't cover the full amount, so it's being asked that the cost is supplemented. Adams asked if the old trucks can be utilized for training, McGinnis stated there is one stored but wasn't running. Mayor Muhammad clarified that \$425,000 grant funds have been accepted, and \$200,000 more was needed through ARPA to cover the rest of the expense. Commissioner Singleton stated that the item was discussed during Public Safety & Parks Committee. Commissioner Henry stated there needed to be a record of what the City has bought, where it's store and how it's disposed of, and a policy & procedure is needed for that. Mayor agreed and stated that there is

equipment with serial numbers, but every item bought through the City needs to have a serial number attached to it.

With no further discussion, **Motion carried** on a unanimous roll call vote.

Motion was made by Commissioner Adams and supported by Commissioner Edwards to approve the RESOLUTION FOR THE ACCEPTANCE OF THE FIRST RESPONDER TRAINING AND RECRUITMENT GRANT AWARDED BY THE STATE OF MICHIGAN.

During discussion, Commissioner Adams asked if this relates to recruitment and training of the youth. Director McGinnis stated that is exactly what it is for.

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

Motion was made by Commissioner Adams and supported by Commissioner Edwards for the APPROVAL OF CRYSTAL SPRINGS CEMETERY LAWN MAINTENANCE AGREEMENT.

During discussion, Mayor Pro Tem Seats stated that the accounts payable lists the cemetery and other city owned property and the amounts don't seem like it is bi-monthly, as stated in the resolution, plus the contractor has already been paid and he doesn't agree with payment before being voted on, and moving forward a deal shouldn't be made before coming to the body for approval. He doesn't believe anybody is stealing, but it's the appearance, everyone should have to go through the same process and was told that the contractor was only going to cut the cemetery. Manager Mitchell clarified it was not stated that only the cemetery was going to be cut, and based on performance a decision had to be made. Mayor Muhammad stated that Jack Campbell was not part of the grass cutting resolution approved and it was discussed that the cemetery was to be a separate bid. He asked if Jack Campbell Lawn Maintenance was doing other jobs in the City. Mitchell responded yes. Mayor stated again that he was not listed for approval and the current resolution states the agreement is for the cemetery only. He also stated that hi is praying for him and his family for the death in the family, but that the condition of the cemetery is horrific and he is very concerned with the condition and the approval of Campbell to take care of the cemetery. He stated that if there is no approval for city owned property, then that needs to cease and desist immediately. Commissioner Clark-Griffin stated that the manager broke the charter by paying an amount over \$5,000 without a contract. Seats stated he doesn't believe the equipment is strong enough or the manpower is not enough to currently cut the cemetery, the back corner is too high. He asked who gave permission to pay \$5,000 for other lots without a contract and if the resolution is voted down, who is liable and responsible for the cutting of the cemetery. Mitchell stated he had a choice to allow or stop the cutting and explained an unexpected death in the family where the contractor had to go out of town, so he authorized him to cut under an emergency purpose. Commissioner Henderson asked if last years contract stated that it could be renewed until another contract was in place. Mitchell stated the Commission asked for it to go out for bid. Mayor stated it is reasonable to allow him to cut, given the number of calls complaining, and he appreciated the executive decision made by the Manager, and asks the City Attorney to be involved with the agreement with Jack Campbell, if approved. Commissioner Isom asked if there was a bidding process, Clerk Moore stated yes it did. Commissioner Adams doesn't believe the bid time was long enough. With all the complaints, as administrator, other contractors should have been reached out to while dealing with a death. It should be divided between contractors and for \$15,000 per month, equipment

could be purchased and youth could be employed. Commissioner Edwards asked what would happen if the resolution was tabled. Mayor stated if tabled or voted down, the City Manager still has the power and authorization to choose a contractor at \$5,000 or below. Attorney Racht stated the Commission is free to vote it down but that the cemetery would still need to be cut. He also clarified that bids can be solicited, if published and posted. He is also going to clarify if the amount without approval is \$5,000 or \$3,500 based on if the Emergency Manager Order has been rescinded or not. Commissioner Henry stated she cannot see paying \$10,000 per month. Commissioner Henry called for the question; **Motion failed** by a unanimous roll call vote.

Motion was made by Commissioner Adams, and supported by Commissioner Edwards to approve the RESOLUTION APPROVING THE DWIGHT P MITCHELL CITY CENTER PARK AS THE SITE FOR PLACEMENT OF A MONUMENT HONORING DR MARTIN LUTHER KING JR.

During discussion, Mayor Pro Tem Seats stated that this item was vetted through the Planning & Economic Development Committee where clarification was asked of the size. He asked for clarity that the resolution presented was solely on placement in the Park. Commissioner Edwards stated he took part in 3 Public Hearings and has never seen anyone use the inside of the horseshoe at the entrance. Commissioner Clark-Griffin stated there was a consensus on the placement, the question was on the parameter, and wants to see the statue up higher. Commissioner Adams agrees that he should be higher. Mayor Muhammad stated that location is very important, he asked if there was a committee for input of what people would like to see as far as the monument. Sharon Brown stated that they are taking all comments to the table with the artists. Commissioner Henry is concerned with the location in the Park, if anything is going on, its in that park. The park is supposed to bring neighborhoods downtown and she doesn't want it to be overflowed. Clark-Griffin stated it is the only park where residents have to do a lot of things.

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

Motion was made by Commissioner Adams and supported by Commissioner Edwards to approve the DECLARATION ON TRUTH, RECONCILIATION, & REPARATIONS.

During discussion, Mayor Pro Tem Seats stated the Commission voted to approve a Racial Equity Committee, if it's going to be voted on, it needs teeth to it. Mayor Muhammad stated the Commission approved a resolution supporting a Racial Equity Committee with the financial impact being none. The Commission approved a resolution supporting HR 40/1083 endorsed by the US Conference of Mayors that was submitted to the US Congress and it's currently there now. Typically, once you pass a resolution on an issue, unless its repealed, rescinded, or replaced, then that resolution is what is recognized. There are many good things in the resolution, but an issue is the resolution presented stated that the Commission shall establish a budget, but the Commission does not establish a budget, per charter, the manager presents the budget. A department can be established by a 2/3 vote of the Commission, which will fall under the City Manager's office, by ordinance and the Manager presents the budget for that department, what's presented put the cart before the horse. Commissioner Adams asks for a racial equity authority be formed and giving powers by ordinance to regulate what they would like to see done with funds that can be put together. Mayor stated in order for tax payer money to be expended, per city charter, must be presented by the Manager and under a legal department, that

every expenditure has to be connected to a department. If the racial equity committee is a 501c3 and trying to procure funding for certain things then the city can work with them to provide letters of recommendation or support, there is a way to work with them. There is no money for a department and this is not the format, it would need to go to Legislative. The process to establish a department must be establish a 2/3 vote and it will fall under the City Manager office. Last it was discussed, the budget for this department was \$180,000. It can be done, within the confines of the law, but it is not within confines as presented tonight. Seats asked why it couldn't be partnered with the Civil Service Board, if the language could be looked at and brought back. Commissioner Clark-Griffin asked how long it was going to be kicked around. Mayor emphasized that the Commission cannot establish a budget. Commissioner Henry stated doing nothing is not acceptable. At this time, it cannot be done like it's being done. Asked that the Mayor ask the Manager to put money aside for a budget, everything needs to be done to sustain the citizens of the city. Attorney Racht clarified, per charter, that a department has to be established by ordinance. Mayor stated as it stands, the Commission has no authority to establish a budget. Henry suggests the resolution be amended. Manager Mitchell stated he is responsible for managing the city, the city has been greatly impacted by emergency management, there is a staff shortage in many departments and the capacity needs to be built to manage the city properly without a strain on employees instead of putting money into another department. Commissioner Henderson thought that the Commission approved a committee to be formed that is a 501c3 that can go after funding without it being attached to the City. Agrees with the City Manager, the departments can't be run as they are now short staffed. Suggests continuing the committee they already have and finding a way to support that committee. Commissioner Edwards stated if it comes down to a department and budget, as co-chair of Public Safety & Parks, where Public Safety has a budget and Parks doesn't, he is a believer that you go out and get the money for what you want and do what you need to do. Mayor said in order to have a department, it has to be financed, that's why it needs to go to Legislative and Personnel & Finance, there is a need to know how it's staffed, jobs have to be posted, etc., there are a lot of factors that go along with a department. This is not the format and place to do all of those. Seats suggests coming back with a structure of what it should look like, what the powers are going to be and how to get it done.

Motion was made by Mayor Pro Tem Seats and supported by Commissioner Edwards to table the DECLARATION ON TRUTH, RECONCILIATION, & REPARATIONS COMMUNICATIONS. Motion approved on the following roll call vote: YAYS: Mayor Pro Tem Seats, Commissioners Edwards, Henderson, Isom, Singleton, Mayor Muhammad. NAYS: Commissioners Adams, Clark-Griffin, Henry. Abstain: None. Absent: None.

COMMUNICATIONS

Assessor Story introduced her Deputy Michelle Story

Manager Mitchell announced Master Planning Week that started today and will go all week, taking place at the Secret Garden. Along with Public Safety he is looking into having a place for skating. He met with the organizers of the monument project and come back with a recommendation to identify placement, meet the artists and talk about the specifics. There is a great opportunity to get involved in the plans for the city.

COMMISSION COMMENTS

Commissioner Henry stated there is an opportunity to dig in and do something, but you have to attend and speak or go to a Commissioner and tell them what you want to say. Get involved, make sure your voice is heard.

Commissioner Adams found it interesting that in the last couple weeks have come to light, she would like the city to be prepared to receive money coming down.

Commissioner Clark-Griffin stated there is a lot of male chauvinism going on, and a lot of underhanded stuff, it will be addressed, pay attention to how people are voting and who's voting for what, she came to make a change.

Commissioner Edwards announced the 2nd ward clean up on June 11 at 8:30, block by block and volunteers are needed. He asked to please quit telling people he's getting paid to volunteer.

Commissioner Henderson stated most of the residents said they wanted to see the monument in City Center Park, that is why she supported it. And being in these offices is a tough business. This Commission has got a lot done that a lot of Commissions weren't able to get done.

Commissioner Isom thanked Lady Muhammad for bringing back the Kite Event, thankful for the approval of the monument placement. Asked to keep the Bowman family in your prayers. Benton Harbor has a lot of things happening, encouraged to put in input in for the Master Plan.

Commissioner Singleton has been seeing some good things, such as the parks being used and enjoyed, the large attendance as the community concert. Stated everyone is looking for employees, it's hard, but would like to see the grass cutting being done in house at some point. Said as far as the Citizens Review Board, only 1 person applied and was appointed but nobody else has come forward to fill those positions.

Mayor Muhammad commended the Browns for stating the course, with no money, but has went out and raised funds for what they are passionate about. He supports the working being done and the generations behind to be able to see what was left behind. Asking all residents to get involved with the Master Plan. Stated it was a joy to see a lot of us working throughout the PGA. Reported 50% of the lead lines have been complete.

MOTION TO ADJOURN

A motion made by Commissioner Edwards and supported by Commissioner Henry 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 9:44 p.m.

Tiffany Moore, City Clerk

Marcus Muhammad, Mayor