

**MINUTES OF THE BENTON HARBOR CITY COMMISSION
LULA LEE COMMISSION CHAMBERS
MAY 16, 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 Adams, 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 (arrived at 7:45pm). Also present: City Manager Mitchell, Deputy Director of Public Safety Clark, Assessor Story, Director of Community & Economic Development Little, 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 May 2, 2022. Motion carried on the following roll call vote: YEAS: Commissioners Isom, Singleton, Adams, Clark-Griffin, Edwards, Henderson, Henry, 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 Edwards to approve the Accounts Payable Listing.

During Discussion, Commissioner Clark-Griffin asked about the payouts for 1985, Susan Marsh-Hatty, and Work in Progress that state per J Edwards. Manager Mitchell explained that Commissioner Edwards solicited funds for the Blossomtime Parade post events and those funds were dedicated to the City by Nobo. Commissioner Edwards stated he asked what the process was to get money for the events and he had the money paid to the City to in turn pay the vendors. Mayor Muhammad asked if Finance Director Hildebrand was part of the process. Clerk Moore stated one check came in from Nobo to cover the costs of the vendors. Commissioner Singleton clarified that the City acted as a fiduciary for the event that was taking place on City property, he stated Edwards asked if there was money for the event and when told no he went out to seek donations. Commissioner Adams asked for clarification on why the event did not go to the Committee then to Commission for approval. Mayor Muhammad stated that for an event as such, there's no need for passage by the Commission. Attorney Racht spoke that since one of the Commissioners obtained funds, the City was the flow through for the money. Mayor Muhammad commended Edwards on reaching out to get sponsorship. Commissioner Henry stated that to be transparent, the report should show money coming in as well as out. Mayor Muhammad called for the question; **Motion carried** on the following roll call vote. YEAS: Commissioners Singleton, Clark-Griffin, Edwards, Henderson, Henry, Isom, Mayor Muhammad. NAYS: Commissioner Adams. Members Abstain: None. Members Absent: Mayor Pro Tem Seats.

UPDATE – COUNTY COMMISSIONER YARBROUGH

Yarbrough stated that it was wonderful to see people coming together during the Blossomtime Parade. She mentioned vacancies on Berrien County Boards and Committees and encourages everyone to visit www.berriencounty.org for those listings and requirements. She mentioned that while the Napier Ave

bridge was being cleaned it was noticed that there were pieces that were not connected so it was closed down. Currently police and ambulance are the only vehicles allowed over it and that the hopes are to have one lane open each way by Memorial Day and completely open by August. She mentioned Senator Lasata's bill SB970 that has been approved, there is no money with it, but funds will come, and there is another one for parks and trails. She mentioned that four interviews will be held Thursday for previous Commissioner Don Meek's seat.

CITIZENS COMMENTS

June Bowman, Nancy Fette, and Ruth Kramer spoke on behalf of United through Motherhood and their diaper bank. They are currently looking for a location, but for the month of May, diapers can be picked up at Mosaic and The Center for Better Health. Nancy Fette explained the book read of "Little Fires Everywhere" and stated that the purpose was to get people to read and talk about the book. There are four discussions set up in early June and public libraries and the books are free.

Annie Brown reintroduced herself as a Democrat running for State Representative on August 2.

Emma Kinnard stated that not having working mics in the Chambers is a problem and that the City Charter states there must be a Finance Director and that Plante Moran does not fit that description.

James Duncan hopes that Annie Brown can do something about the river to get it to the point to do things that the residents want done, like get buoys up for the fisherman. He would like if the Commissioners would talk to each other if there is a problem because there is a lack of communication.

CONSENT CALENDAR

A motion was made by Commissioner Adams and supported by Commissioner Henry to bring a Resolution for DECLARATION ON TRUTH, RECONCILIATION, AND REPARATIONS to the floor.

During discussion, Commissioner Edwards stated he hadn't had time to look at the document. Mayor Pro Tem Seats stated he doesn't have a problem with some of the language, but has a problem with other language and said it needs to be looked at. Mayor Muhammad read parts of the resolution and stated that a resolution was previously passed deeming racism a health care emergency and another resolution was passed supporting reparations. As presented, he is asking to table the resolution and send it to Personnel & Finance Committee and Legislative Committee for review.

A motion was made by Mayor Muhammad and supported by Mayor Pro Tem Seats to table to Resolution for DECLARATION OF TRUTH, RECONCILIATION, AND REPARATIONS. Motion carried on a unanimous vote.

Commissioner Henry requested to separate APPOINTMENT OF FELICIA SMITH TO THE DIAL-A-RIDE BOARD from the Consent Calendar for discussion.

Commissioner Adams requested to separate APPOINTMENT OF JAMES ATTERBERRY, SR TO THE HOUSING COMMISSION from the Consent Calendar for discussion.

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

APPOINTMENT OF DAYRL JACKSON TO THE CEMETERY BOARD

RE-APPOINTMENT OF APOLLONIA WILLIAMS TO THE DIAL-A-RIDE BOARD

RE-APPOINTMENT OF DOROTHY PARKER TO THE DIAL-A-RIDE BOARD

APPOINTMENT OF MIGUEL CLARK TO THE BROWNFIELD REDEVELOPMENT AUTHORITY

RE-AUTHORIZATION OF THE CITY MANAGER TO MAKE AN IMMEDIATE PURCHASE OF A 4-TON FALCON ASPHALT RECYCLER & HOT BOX TRAILER

APPROVAL OF THE 2022 FINAL PLAY EVENT

SEPARATED ITEMS

Motion was made by Commissioner Adams and supported by Commissioner Henderson to approve the APPOINTMENT OF FELICIA SMITH TO THE DIAL-A-RIDE BOARD. During Discussion, Commissioner Henry asked if an interview was conducted. Commissioner Henderson replied that Legislative Committee conducted an interview. Henry stated that usually when a citizen steps up to be on a board, she's in favor but when you hear of nepotism, you have to pay attention on who's on the boards and to make sure every person put on the boards knows what the Commission wants to happen with the boards. Mayor Pro Tem Seats stated people are volunteering for free and he doesn't see nepotism, but wants to see the best ones for the job. Commissioner Adams stated that to see someone come forth wanting to serve their community and has seen her faithfulness with BHAS. Mayor Muhammad explained the application process and that certain boards you must be a resident, and Dial-A-Ride is one of those, when he makes a recommendation and the Council approves, he looks for someone that is going to do what's right and that they are qualified and in this particular case, Felicia Smith is qualified. With no further discussion, **Motion carried** on a unanimous vote.

Motion was made by Commissioner Edwards and supported by Commissioner Henderson for APPOINTMENT OF JAMES ATTERBERRY, SR TO THE HOUSING COMMISSION.

During discussion, Commissioner Henry asked if he attended Legislative for an interview. Commissioner Henderson stated he did not and that it is the will of the Commission but it's not the first time an appointee was appointed but did not show. Clerk Moore stated he was invited to Legislative and the Commission meeting. Mayor Muhammad stated he has served in the community for years. Commissioner Adams said when she was chair of Legislative and the candidate did not

show, they went to the next meetings agenda. Henderson stated that Dorothy Parker was also not in attendance so the process should be consistent.

Commissioner Henderson called for the question, **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.

COMMUNICATIONS

Director Little stated the official letter from the allocations for 2022 has not been received, will be publishing the start of the 30 day comment period.

COMMISSION COMMENTS

Commissioner Clark Griffin thanked everyone for coming and congratulated all the appointment and re-appointments to the boards, she appreciates them for wanting to serve the community. Stand up, speak up, pay attention, and follow the money.

Commissioner Adams stated she tries to operate by principles, not her character. She thanked Yarbrough for the magnificent work she's been doing about keeping everyone informed. She can't figure out why we're not after those dollars to replace the Napier Bridge. She asked why an update can't be given on things, especially the air conditioning.

Commissioner Henry thanked the citizens for coming out and stated it's their job to take care of things to make things happen and there's going to be a flood of money, so it's up to the Commission to pay attention so the resident's can see something tangible.

Commissioner Edwards talked about the bands Saturday and how much fun the kids had.

Commissioner Isom thanked Yarbrough for the update and congratulated all the appointments that want to volunteer and all the citizens comments. He stated the Blossomtime Parade weather was just right and it was good to see everyone having a good time in Benton Harbor, there is nothing like coming together. He encouraged everyone to go check out the art in the park titled 'Adolescent Echo'. He announced interviews will take place Wednesday for a Finance Director.

Commissioner Henderson thanked the appointees for wanting to serve the City. She said it was great to see people coming together during the Day of Impact, the Blossomtime Parade and the concerts.

Commissioner Singleton stated it's been a busy few weeks and summer time is upon us, and there are many activities being planned. He said it was refreshing to have Commissioner Edwards, who is so passionate about parks on the Public Safety & Parks and Rec Committee. He mentioned the presentations at the Committee meeting, and how it can be viewed on YouTube. He encouraged everyone to continue to pay attention and get involved.

Mayor Pro Tem Seats mentioned the National Day of Prayer, where Chief McGinnis opened the Fire Department. As well as how impactful the Day of Impact was and how it needs to continue to be maintained. He stated his heart goes out to Buffalo, NY regarding the shooting. He talked to the Attorney General about people jumping off the bridge, and the need to see if their jumping in or if there is fowl play.

Mayor Muhammad thanked the citizens for their input and stated you do not have to be a resident to speak. He congratulated the appointees who want to serve and encourages them to learn the history of their board. He spoke on the war being wages in Ukraine and the war being waged on black

people in America. He spoke on the shooting in Buffalo and killing at a church in California. He stated there was much to be debated and discussed and asked for continued debate and vetting of issues, but that there are more serious things going on in the world and pray for the family of all of those impacted.

A motion was made by Commissioner Adams and supported by Mayor Pro Tem Seats to go into Closed Session for a Litigation Update for the following cases:

- 1. Adams Outdoor Advertising Limited Partnership v. City of Benton Harbor; Berrien County Circuit Court, Case No. 22-0024-CZ-W**
- 2. Grant, et al. v. City of Benton Harbor, et al; United States District Court, Western District of Michigan, Docket No, 1:2-cv-00985-JTN**
- 3. Braziel, et al. v. City of Benton Harbor, et al; United States District Court, Western District of Michigan, Docket No. 1:21-cv-00960-JTM**

Motion carried on a unanimous vote.

Meeting recessed for Closed Session at 8:39pm

Meeting reconvened out of Closed Session at 8:57pm

No action was taken as a result of the Closed Session

MOTION TO ADJOURN

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

There being no further business to discuss, the meeting adjourned at 8:58 p.m.

Tiffany Moore, City Clerk

Marcus Muhammad, Mayor