

**MINUTES OF THE BENTON HARBOR CITY COMMISSION
LULA LEE COMMISSION CHAMBERS
MAY 2, 2022**

The regular meeting of the Benton Harbor City Commission was called to order by Mayor Muhammad at 7:00p.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, Henderson, Henry, Isom, Singleton, Mayor Muhammad. Members Absent: Mayor Pro-Tem Seats (arrived at 7:06pm, left at 8:26pm). Also present: City Manager Mitchell, Deputy Director of Public Safety Clark, Attorney Racht and City Clerk Moore.

APPROVAL OF MINUTES

A motion was made by Commissioner Henderson and supported by Commissioner Edwards to approve the Regular Minutes of April 18, 2022. Motion carried on the following roll call vote: YEAS: Commissioners Singleton, Adams, Clark-Griffin, Edwards, Henderson, Henry, Isom, 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 Isom to approve the Accounts Payable Listing. Motion carried on the following roll call vote. YEAS: Commissioners Edwards, Henderson, Isom, Singleton, Mayor Muhammad. NAYS: Commissioners Adams (stated she will continue to vote no until a Finance Director is hired that answers to the body), Clark-Griffin, Henry. Members Abstain: None. Members Absent: Mayor Pro Tem Seats.

CITIZENS COMMENTS

Steve Houser stated that the police and fire departments need to be taken seriously and they need better benefits.

Paul Jancha announced he is running unopposed for District Court Judge.

Kat Boyer & Mamie Yarbrough, on behalf of the proposed Library Millage, explained the impact on the library if the millage was not approved.

Emma Kinnard replied to Commissioner Edward's closing statement at the last meeting. She stated that the tops of the trees are being taken off at Ox Creek and that the tree by her garden was promised to be removed and is still there.

Samantha Jordan, on behalf of Shamika Jordan who passed away in a house fire, stated that during the fire the hydrants weren't working properly and the department had to go two blocks down to get water. She sent a Resolution that she is asking to be put on the floor or sent to the Legislative and Public Safety Committees.

Elnora Gavin stated it was sad as a resident to have to ask city reps to ask for something that should have been done. She stated the residents don't know if their hydrants are working and requests the resolution on behalf of Shamika Jordan be put on the floor, or sent to the Legislative and Public Safety Committees because the residents deserve to know if their hydrants work.

CONSENT CALENDAR

Commissioner Adams requested to separate RESOLUTION TO AUTHORIZE CITY MANAGER TO EXECUTE AN EXTENSION OF PLANTE MORAN'S AGREEMENT from the Consent Calendar for discussion.

Mayor Pro Tem Seats requested to separate APPROVAL OF LAWN MAINTENANCE CONTRACTS FOR THE 2022 CUTTING SEASON from the Consent Calendar for discussion.

Commissioner Henry requested to separate APPROVAL OF GREENSTONE WELLNESS' APPLICATION FOR ONE ADULT-USE RETAIL PERMT from the Consent Calendar for discussion.

Commissioner Adams asked if this would be a good time to honor the resident's request to add the Resolution presented. Mayor Pro-Tem Seats stated that the request was heard and will be sent to committees to be vetted. Mayor Muhammad explained that the component was two-fold and would be sent to Legislative and Public Safety Committees for vetting.

The following Consent Calendar items were moved by Commissioner Henderson and supported by Commissioner Edwards. Motion carried on a unanimous vote.

APPROVAL OF BID REQUEST FOR DESIGN OF CITY WEBSITE

APPROVAL OF TETRA HORTICULTURAL COMPANY, LLC'S APPLICATION FOR ONE MEDICAL CLASS C GROW FACILITY PERMIT

RESOLUTION TO PLACE BENTON HARBOR PUBLIC LIBRARY MILLAGE RENEWAL PROPOSAL BEFORE QUALIFIED ELECTORS OF THE CITY FOR THE AUGUST 2, 2022 ELECTION

SEPARATED ITEMS

Motion was made by Commissioner Adams and supported by Commissioner Singleton to approve the RESOLUTION TO AUTHORIZE CITY MANAGER TO EXECUTE AN EXTENSION OF PLANTE MORAN'S AGREEMENT.

During Discussion, Commissioner Adams stated that after reading the resolution it's unacceptable to pay almost \$300,000 a year for services when a Finance Director is needed to answer to the body. Commission Clark-Griffin asked for clarity because the contract expired June 20, 2021 and now an extension is being asked for and we will be paying for them and a Finance Director for 6 month and they charge \$120 per hour, which will increase July 1 and they charge if the payment is late. Doesn't believe a Finance Director will need 6 months training.

Commissioner Isom clarified that the contract could end at any time with written notice and the Personnel & Finance Committee is currently in the process of interviewing for a Finance Director.

Commissioner Henderson asked how many applied and were qualified. Isom stated 2 out of the 12 were qualified.

Mayor Pro Tem Seats stated every other contract hired usually shows up to the meetings. He asks if the contract is extended that they show up to the meetings. The position is by Charter so maybe do a better job of recruiting or up the pay scale and pay rate to that of every other Finance Director in the Region.

Manager Mitchell stated there is a Finance Director that comes to the work sessions at 6:30, prior to the Commission meeting. And he has asked that questions be written down to be answered.

Clark-Griffin stated there is no Finance Director, there is a person acting as a Finance Director through Plante Moran and on July 1 they will get another increase.

Mayor Muhammad stated that previous to the Emergency Manager Jackie Bell was the Finance Director, when the Emergency Financial Manager took over, he was the Finance Director and Plante Moran was brought in to help with the audit. He stated there have been challenges with the finances and Plante Moran has produced a clean audit, balanced the books and submitted the budget. Someone qualified, preferably a CPA with government experience should be hired.

Adams stated she is tired of the process being stalled, there have been qualified people apply with city management holding up the process.

Isom clarified that the process of interviewing is taking place.

Commissioner Henry stated she doesn't understand why the need for an extension if the process of interviewing is underway.

Mayor stated the current agreement has expired, there is no obligation on either side and it's a process to hire a Finance Director, someone needs to be qualified.

Commissioner Henderson asked for clarification if the Manager is the executor. Mayor responded that the city manager signs on the line of the Finance Director as the Personnel Director of the City.

With no further discussion, **Motion carried** on the following roll call vote: YAYS: Commissioners Edwards, Henderson, Isom, Singelton, Mayor Pro Tem Seats, Mayor Muhammad. NAYS:

Commissioners Henry, Adams, Clark-Griffin. Abstain: None. Absent: None

Motion was made by Commissioner Adams and supported by Commissioner Henderson for APPROVAL OF LAWN MAINTENANCE CONTRACTS FOR THE 2022 CUTTING SEASON.

During discussion, Mayor Pro Tem Seats stated that pictures of the abatements have been asked for and the Cemetery is not part of the contract, it's costing more than any other property to be cut.

Manager Mitchell stated the cemetery is a prized property and he wants one company doing the job, with only one company being held responsible.

Mayor Muhammad stated that there still has to be a bid for that parcel so there is a fair bidding process.

Mitchell stated the city has been using certain contracts and one contractor has proven able to perform acceptable work.

Mayor stated if the cemetery is separate, it must be put out to bid.

Mitchell stated a contractor was chosen based on past performance.

Attorney Racht said that if the city has a contractor that they are satisfied with then there is no requirement that there be a bid for a separate job. There should be clarification that this bid does not include the cemetery. If the city is happy with the current contractor, then they don't have to go out for bid annually. He would have to look at the previous contract to see if it calls for an extension.

Mayor asked Mitchell to send out for bids for the cemetery exclusively.

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

Motion was made by Commissioner Henry and supported by Commissioner Adams for APPROVAL OF GREENSTONE WELLNESS' APPLICATION FOR ONE ADULT-USE RETAIL PERMIT

During discussion, Commissioner Henry stated she has nothing against the application except there was no allowance of social equity to have an adult use license.

Commissioner Adams stated that the city has been lucky to have gotten this far and the industry is bringing in a lot of money.

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

COMMUNICATIONS

Director McGinnis reminded everyone about Chat with Chief on Facebook every Monday at 9am and that there are a lot of events happening this summer.

Manager Mitchell gave a reminder that Days of Impact will happen on May 12th at Union Park and that he provided information for resource and opportunity fair also happening on May 12th. Other events include the Senior PGA Memorial Day week and Blossomtime Parade coming up May 14th.

COMMISSION COMMENTS

Commissioner Clark Griffin thanked the residents for continuing to speak up, encourages them to stand up and watch the process and watch the money.

Commissioner Henry apologized to the family that didn't get a chance to speak. She's glad to have Benton Harbor people standing up and being aware of what is going on. Urges residents to make the city provide the services for you. Said to give time and the chambers will be wired up.

Commissioner Edwards reminded everyone to say something positive about Benton Harbor. He said he is glad to have woken up this morning and he can look at all the wonderful people he is working with.

Commissioner Henderson thanked those that came out to voice their concerns, the input is appreciated.

Commissioner Adams stated to follow the money, pay close attention. She knows her mission is to improve the quality of life for the residents of Benton Harbor and we all need to try to live together amongst each other. She prays to find a peaceful common ground of life.

Commissioner Isom urged everyone to support the Benton Harbor Public Library (Mamie Yarbrough Library) on August 2. He congratulated all the lawn care businesses that will beautify the city. He stated he saw the birdie scooters out and stated the city is growing and changing and we got to change with it. He stated there will be a Finance Director and to Expect Great Things.

Commissioner Singleton stated the lead line replacement project will probably get done quicker than 18 months. He witnessed a contractor making the sidewalk handicap accessibly and hasn't heard a lot of complaints during the work. He said it's the season for clean up and code enforcement is out, so if you get a violation to make a phone call and make arrangement, the department wants compliance and to avoid hardships for the residents.

Mayor Muhammad stated that 33% of the lead lines are replaced. According to the contractors and city managers office, they are schedule for completion by the timeline of May 2023, they want to make sure everything is done right. He said there is 9 million dollars allocated to home inspection for lead pipes in the plumbing and for replacement through MDHHS. His deepest condolences go out to the family of Shamika Jordan and he plans to see how we can work with the family and the legacy she has but things have to be done in a particular order.

MOTION TO ADJOURN

A motion made by Commissioner Adams and supported by Commissioner Singleton 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 8:45 p.m.

Tiffany Moore, City Clerk

Marcus Muhammad, Mayor