

**MINUTES OF THE BENTON HARBOR CITY COMMISSION
LULA LEE COMMISSION CHAMBERS
SEPTEMBER 6, 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 City Manager Mitchell. Roll call showed the following members present: Commissioners Adams, Clark-Griffin, Edwards, Henderson, Henry, Isom, Singleton, Mayor Mayor Muhammad. Members Absent: Mayor Pro Tem Seats. Also present: City Manager Mitchell, Public Safety Director McGinnis, Deputy Assessor Story, Community and Economic Director/Assistant City Manager Little, Finance Director Williams, 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 August 15, 2022. Motion carried on the following roll call vote: YEAS: Commissioners Henry, Isom, Singleton, Adams, Clark-Griffin, Edwards, Henderson, Mayor Muhammad. NAYS: None. Members Abstain: None. Members Absent: Mayor Pro Tem Seats.

APPROVAL OF ACCOUNTS PAYABLE

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

During discussion, Commissioner Henderson asked what the previous invoice amounts were for McKenna. Finance Director Williams stated he will follow up with that information. Commissioner Adams would like to see the McKenna invoices broken down, she is asking for the removal of that invoice until clarity is received. She would like to see more detail on the AP report to avoid questions. She asked why the associations for public safety are paid in increments and not one lump sum. Commissioner Clark-Griffin asked about the lawn care service that was previously tabled. Mayor Muhammad replied that the company is still providing the service. He also stated that he sees more work from the current company providing Master Plan services than when the previous Master Plan was being worked on. He would hate to see someone working on it, then all of a sudden not get paid. Manager Mitchell stated he will get a report of what's been done, what's been charged, and what is left as far as the Master Plan. Adams stated if the Master Plan is not going to be complete until next year she would like to know how many draws are left. Commissioner Singleton stated there is an agreement that may provide clarity. Commissioner Edwards would like to know that the end goal is. Mayor Muhammad stated the project started in June and is a year long process.

A motion was made by Commissioner Henry and supported by Commissioner Adams to approve the Accounts Payable Listing, with the removal of the McKenna invoice for clarity. 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

CITIZENS COMMENTS

Spencer Nesbitt stated at the last meeting the City Manager asked him to come in for a meeting, he had a meeting on August 22 with the City Manager, Chief of Police and Mr Little. He stated nothing is being done as far as the streets, public works employees not doing anything. Nothing is happening, no plans are being done. If the City Manager doesn't know what the Commissioners plans are he can't do anything. Stated there is a need to hire someone to help do something, it is not reflecting the City Manager, it is reflecting the Commissioners.

Emma Kinnard also spoke on the condition of the city. She suggested the city have a log to keep in touch with what the workers are doing. She stated there is no need to have laws if you're not going to enforce them. She asked where the updates to the water plant stands.

James Duncan asked how much citizens input went into Ox Creek and what about the Bobo Brazil Center, will it ever open?

PUBLIC HEARING – CONSOLIDATED PLAN ANNUAL PERFORMANCE AND EVALUATION REPORT 2021

Mayor Muhammad opened the Public Hearing at 7:29pm

Manager Mitchell stated this is a required document that talks about the performance and gives an evaluation for work in 2021.

Director Little explained the CAPER is an annual report for the cities activities in the CDBG program. The program's fiscal year ends June 30, the report has to be giving to HUD by September 30. It is a concise summary of the actions, activities, and resources that will be used each year to address the priority needs and specific goals identified by the Consolidate Plan. He presented the resources available during the period, goals and outcomes for program year 2021. He explained that the comment period ends September 12, 2022.

Commissioner Adams asked for clarification on the types of investments, if it was youth, food, housing? Director Little clarified that's exactly what it was. She asked for a before and after report of the houses being rehabilitated. Mayor Muhammad asked if Little could re-generate the email with the list of houses being rehabbed. Little stated he is now in the process of reviewing bids of the homes determined eligible.

Mayor Muhammad commended Little for his work in Economic Development.

Director Little invited comments to be sent by mail, email, or in person through September 12.

With no further comments, Mayor Muhammad closed the Public Hearing at 7:45

CONSENT CALENDAR

Commissioner Adams requested to remove RESOLUTION TO UTILIZE ARPA FUNDS TO UPGRADE AND INSTALL CLOUD-BASED COMPUTER SYSTEMS AND BS&A SOFTWARE SYSTEM for further discussion.

Commissioner Adams requested to remove RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACTUAL AGREEMENT WITH 360HR SERVICES, LLC for further discussion.

Commissioner Adams requested to remove APPROVAL OF MDOT PERFORMANCE RESOLUTION FOR MUNICIPALITIES for further discussion.

Commissioner Adams requested to remove APPROVAL OF FUNDING FROM ARPA FOR THE PURCHASE OF TWO PIECES OF HEAVY EQUIPMENT – A 15” BANDIT CHIPPER AND DUAL BRUCH PELICAN for further discussion.

No Consent Calendar items remain for approval.

SEPARATED ITEMS

A motion was made by Commissioner Henderson and supported by Commissioner Edwards to approve the RESOLUTION TO UTILIZE ARPA FUNDS TO UPGRADE AND INSTALL CLOUD-BASED COMPUTER SYSTEMS AND BS&A SOFTWARE SYSTEM

During discussion, Commissioner Adams asked for the resolution to be explained for the resident’s understanding. Mayor Muhammad provided the recommendation and justification of the resolution. Adams thanked the Mayor for bringing that back to her remembrance, she stated it’s a wonderful idea because the systems need to be kept properly and secure. With no further discussion, Mayor Muhammad called for the question. **Motion carried** on the following roll call vote: YAYS: Commissioners Singleton, Adams, Clark-Griffin, Edwards, Henderson, Henry, Isom, Mayor Muhammad. NAYS: None. Abstain: None. Absent: Mayor Pro Tem Seats

A motion was made by Commissioner Adams and supported by Commissioner Singleton to approve the RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACTUAL AGREEMENT WITH 360 HR SERVICES, LLC

During discussion, Mayor Muhammad read the recommendation and justification of the resolution. Commissioner Adams asked what the difference was from last year to this year. Mayor Muhammad clarified there was no change. Commissioner Henry asked how much is being paid for HR services, and what other Human Resource services is being paid for. Mayor Muhammad stated that according to the City Charter, the City Manager is the Personnel or Human Resource Manager, a part of his salary is under Human Resources, as well as other employees working under Human Resources. Mayor Muhammad asked Commissioner Henry to identify the other items she had questions about. She stated the questions were asked in Committee meeting and she hasn’t gotten an answer. Commissioner Singleton stated that expenses include services such as Indeed, these services are risk management that was discussed in Personnel & Finance. Mayor Muhammad clarified that the HR department was actually called the Personnel Department, per charter and the Human Resources department was actually the City Manager and the City Manager is paid his salary, not something extra for HR. Mayor Muhammad called for the question. **Motion carried** on the following roll call vote: YAYS: Commissioners Adams, Clark-Griffin, Edwards, Henderson, Isom, Singleton, Mayor Muhammad NAYS: Commissioner Henry. Abstain: None. Absent: Mayor Pro Tem Seats

A motion was made by Commissioner Adams and supported by Commissioner Singleton for the APPROVAL OF MDOT PERFORMANCE RESOLUTION FOR MUNICIPALITIES

During discussion, Mayor Muhammad provided the recommendation and justification of the resolution. Commissioner Adams asked clarity be provided for the residents. Attorney Racht stated that MDOT has right of ways on city streets and this document stated that the city has utilities in these right of way, so when the city does work on those utilities in MDOT's right of ways, the city will do it correctly, provide insurance, get permits or be held responsible if they don't. Adams stated sometimes there is work in the community we don't know about, so when MDOT does work in the community, does that mean the city will be made aware. Attorney Racht clarified this document is only when the city is working on it's utilities in the state's right of way. Adams stated that it's not fair that they have to know when we are working in their right of way but the city doesn't know when work is being done in the city. Mayor Muhammad called for the question. **Motion carried** on the following roll call vote: YAYS: Commissioners Clark-Griffin, Edwards, Henderson, Henry, Isom, Singleton, Adams, Mayor Muhammad. NAYS: None. Abstain: None. Absent: Mayor Pro Tem Seats.

A motion was made by Commissioner Edwards and supported by Commissioner Henderson for the APPROVAL OF FUNDING FROM ARPA FOR THE PURCHASE OF TWO PIECES OF HEAVY EQUIPMENT – A 15” BANDIT CHIPPER AND A DUAL BRUSH PELICAN

During discussion, Commissioner Adams stated there is no accountability or enough workers and lack responsible people with equipment. She's only seen the street sweeper the city purchased one time. It's not fair to the residents to spend hundreds of dollars and never get the front of their doorsteps swept. The bridge by the school has not been cleaned. Mayor Muhammad explained the ARPA distributions and stipulations of how the money can be spent. He stated the city can have the best workers in the world but if they don't have the tools, He read the recommendation and justification of the resolution for the residents. He stated this is a once in a lifetime opportunity, ARPA is not coming back. Commissioner Singleton stated they've heard the cries for years on the condition of the streets and you have to have the equipment to train someone to come in and use it. Commissioner Isom said there are so many trees and brush and stuff in the drains, this equipment is needed, but Public Works needs help. Mayor Muhammad stated he reached out to the Governor who contacted the State Police, who contacted the County, who contacted him and the city and was told when they finished chipping in the township, then they would get to us. Commissioner Henderson stated they hear a lot about what the city isn't doing and this is one thing that will help the citizens but people don't want to work for a small amount of money, there are jobs open and a lack of people to fill those roles. Commissioner Henry stated the equipment is necessary and asked if there will be enough quality staff to drive the equipment. Manager Mitchell stated there will be demo given to work with the current staff and will assign the staff accordingly. Mayor Muhammad asked when we would be getting the equipment and start getting the trees cut. Manager Mitchell answered that the arrival will be by the end of the month. Director Little stated the plan was to have it out by winter. Adams asked if there was room in Public Works to house the equipment. Mayor Muhammad clarified the item was for the purchase, the specifics could be figured out after received. Mayor Muhammad called for the question. **Motion carried** on the following roll call vote: YAYS: Commissioners Edwards, Henderson, Henry, Isom, Singleton, Adams, Clark-Griffin, Mayor Muhammad. NAYS: None. Abstain: None. Absent: Mayor Pro Tem Seats

COMMUNICATIONS

Director Little – no report

Deputy Assessor Story – no report

Director McGinnis stated there are several associations that himself, as well as Deputy Director Clark, and other staff members are a part of.

Finance Director Williams stated his office is preparing for the upcoming audit, he stated the percent of the budget that belongs to public safety is 27%, up 1% from last year. He said he is waiting on the County to get back with him regarding partnerships for infrastructure.

Attorney Racht reminded the Commission of the Zoning Board of Appeals meeting following the Commission meeting.

COMMISSION COMMENTS

Commissioner Adams stated she would like to see the body join some associations to get what they need for the residents. She was asked why nobody was representing Benton Harbor on the Rotary Club, she learned there was a cost and previously inquired on that cost, but would still like to know that information.

Commissioner Henry wants the residents to know what the city is spending their money on and if they need relief on their water bills they are encouraged to come down and make them take care of it.

Commissioner Clark-Griffin stated that on August 27 she held a 4th Ward Resource Fair, she thanked everyone involved in helping and wants to make it an annual event and is going to continue to do things throughout the year.

Commissioner Edwards reported that on Sept 16 there will be a cookout and appreciation for the city employees at City Center Park. He thanked public safety for their assistance with the fire on the 5th floor of Harbor Towers.

Commissioner Henderson stated there is a long way to go but with hard work and commitment we can get there. Everyone ran for the good of the city. When it comes for money spent on infrastructure, that is for the residents.

Commissioner Isom said if everyone put in a little bit, we can do a lot, it's a start, take a little at a time.

Commissioner Singleton stated the street sweeper is for the people, there have been strides in the last year or so. When you hear complaints, think out of the box for a solution.

Mayor Muhammad reported that the lead service line replacement is 86.5% complete for removal and replacements, with 610 to go. He stated Benton Harbor has been invited to participate in the One Water Summit as a panelist. He stated that operation street lights is an ongoing effort by AEP.

MOTION TO ADJOURN

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

The regular meeting was adjourned and the meeting of the Zoning Board of Appeals was opened at 9:02pm.

Tiffany Moore, City Clerk

Marcus Muhammad, Mayor