

**MINUTES OF THE BENTON HARBOR CITY COMMISSION
LULA LEE COMMISSION CHAMBERS
OCTOBER 17, 2022**

The regular meeting of the Benton Harbor City Commission was called to order by Mayor Muhammad at 7:01p.m. Invocation led by Mayor Pro Tem Seats, followed by the Pledge of Allegiance led by Commissioner Isom. Roll call showed the following members present: Commissioners Adams (left at 9:57pm), Clark-Griffin, Henderson, Henry, Isom, Singleton, Mayor Pro Tem Seats, Mayor Muhammad. Members Absent: Commissioner Edwards (arrived at 7:09pm). Also present: City Manager Mitchell, Public Safety Director McGinnis, 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 October 3, 2022. Motion carried on the following roll call vote: YEAS: Commissioners Henderson, Henry, Isom, Singleton, Mayor Pro Tem Seats, Adams, Clark-Griffin, Mayor Muhammad. NAYS: None. Members Abstain: None. Members Absent: Commissioner Edwards.

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 inquired about the payable to St Joe for sanitation. Finance Director Williams stated that this was for properties connected to Grand Ave sewer system in the amount of \$1,202.01. Commissioner Adams there were previously other payables for Grand Ave sanitation and asked if it was separate from trash and only sewer and why there is a charge. Mayor Muhammad clarified that the closest tap or line is hooked up to, which is the St Joe sewage system. Adams also inquired if there will be another cost for lawn cutting next month, a charge for \$150,260 from 2013-2014 for an emergency load with the State of Michigan. She also previously requested a sheet for fleet inventory from Enterprise. Also, where payments are for the lead line project and payment request for from the Farmer's Market payment, and the removal of a tree for \$6,000 on Bishop. Mayor Pro Tem Seats asked if we are paying for a cell for Abonmarche, listed mobile device lease. Since we don't have a janitor, are we paying someone to clean the building. He stated Ring Central isn't working, it's a challenge, spending \$67,000 a year is unfortunate. Commissioner Clark-Griffin asked what is getting cleaned up from paying \$6,440 to Dirt Cheap Lawn Care. Williams stated that payment is for alley clean up, there were 5 loads, abatement clean up and city-wide mowing. Manager Mitchell will get the detail on the exact alleys. Clark-Griffin stated they are agreeing to pay these things but don't have all the info and shouldn't pay after the work is done. She also asked about Beudoin Electric for repair and lighting at River Park and Main St lighting repair. Director Little stated Beudoin is the firm the city uses for their light repair, public works calls them when needed. Manager Mitchell stated that was for 5 repairs at the lift station, 1 section of lighting at River Park, and the others were lights on Main St. He also stated there is nothing listed that hasn't been vetted. Commissioner Henry stated sometime ago when they came in to work on Main St they convinced us to get these lights and they are expensive to repair and there have been 4-5 damaged by drivers, she's

assuming Main St lighting had damaged, but would like to know how many were repaired for \$6,000. Also, Whirlpool has an agreement with the city to maintain River Park and security lighting is a part of that maintenance. She asked a couple questions about Traveler's Insurance and will ask again in an email. She asked if there was a contract end date with Enterprise and wants more information on charges for Bodman PLC. Seats stated there was no itemization for the Fifth Third credit card and wants to know what the charges were and who made the charges, as well as who all has fuel cards and those charges. Mayor Muhammad asked Commissioner Isom, chair of Personnel & Finance if a follow up could be done at his Committee meeting and asked the Commissioners to meet with the City Manager to get a comprehensive explanation of these itemizations. Manager Mitchell reminded the Commissioners to get their questions in by noon on Monday to get answers for the meeting. **Motion carried** on the following roll call vote. YEAS: Commissioners Henderson, Isom, Singleton, Mayor Pro Tem Seats, Commissioners Adams, Edward, Mayor Muhammad. NAYS: Commissioners Henry, Clark-Griffin. Members Abstain: None. Members Absent: None.

CITIZENS COMMENTS

Lee Reed, Chairman of the Planning Commission, gave an update on the Master Planning Workshops, the first one is being held this Wednesday at Second Baptist Church from 6:00pm-7:30pm. He stated the RRC certification training should be completed by the end of the month and that he noticed the dumping is bad on Valley Dr.

Ira Ward Jr stated there has been two sewer back ups into his basement and has filed complaints with the City's insurance company. He stated someone is not cleaning the sewer.

Spencer Nesbitt stated he did see some things happening in the city. He's seen the chipper being pulled by the city truck but hasn't seen the sweeper out yet. He stated Public Works is not doing what they are supposed to be doing, there is no tracking method, money is just being spent, and a better job needs to be done to make sure tax money is used wisely.

Marvin Haywood stated a long time ago a Public Works building was promised and asked who is it that we're serving. What have we done to move the inner city forward, there has been no plan laid out and doesn't think the attorney has the best interest of the city.

Cherry Mesa stated she is a lifelong resident and she has been trying to get information from TCATA for her daughter to submit for her student loans and has been treated rude by the personnel there and if you work in public service then you should serve the people.

Emma Hull agreed that some things have gone to the way side, but you can't do it all in a day. She has seen many great things done with the current Commissioners, people are working, but you can't see them. We have to work together and she appreciates all the work being done.

Emma Kinnard stated it was the perfect time to fix the streets with the income tax money while the lead lines were being replaced. She asked how much was owed, and paid for the water plant improvements and when will residents be able to wash vegetables and brush their teeth. She acknowledged the ramp falling apart in front of the city building and stated that we need to take a look at other communities.

Mr Duncan stated he is tired of anyone who isn't about the citizens. He asked what is going to be done about 5G and why nobody is talking about it. He wants to see the citizens respected in the chambers.

CONSENT CALENDAR

A motion was made by Commissioner Adams and supported by Commissioner Henry to SUSPEND THE RULES to add DIRECT CITY MANAGER TO SEND A LETTER OF INTEND TO APPLY FOR 2023 SRF FUNDS BEFORE THE NOVEMBER 1 DEADLINE the agenda. Commissioner Adams justified the need to add this item to the agenda. Mayor Muhammad stated that the SRF is a low interest loan and was applied for and granted in 2019, when applying you have to stated how you are going to pay it back and that is where the raise in water bills came in and at this time you cannot apply and ask the residents to raise the rates again. Adams stated that per City Charter, legislators set the rates and this was a small portion of what needs to be done to infrastructure, some of these are forgivable grants, some loans, some bonds. Commissioner Henry asked what harm a letter of intent would be and there was an email that was sent stated why we were taken off the list. Manager Mitchell stated that the staff looks at all funding opportunities and the whole process to make sure it's beneficial to the city. Commissioner Henderson suggested this be discussed at Personnel & Finance Committee, to apply for another loan and raise rates is ridiculous. **Motion carried** on the following roll call vote: YAYS: Commissioners Henry, Isom, Singleton, Mayor Pro Tem Seats, Commissioners Adams, Clark-Griffin. NAYS: Commissioners Edwards, Henderson, Mayor Muhammad. Abstain: None. Absent: None.

Commissioner Adams requested to remove RESOLUTION TO APPROVE THE PURCHASE OF ENVIRONMENTAL ASBESTOS ASSESSMENT SERVICES FOR THE CDBG DEMOLITION PROGRAM for further discussion.

Mayor Pro Tem Seats requested to remove RESOLUTION TO APPROVE THE PURCHASE OF ELECTRICAL CONNECTION SERVICES FOR THE CAMERA SURVEILLANCE SYSTEM for further discussion.

Commissioner Adams requested to remove APPROVAL OF EXCLUSIVE OPTION TO PURCHASE AND AUTHORIZATION TO REHAB TWO CITY OWNED HOUSING UNITS for further discussion.

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

RESOLUTION ESTABLISHING TRICK OR TREAT HOURS

APPOINTMENT TO DOWNTOWN DEVELOPMENT AUTHORITY (DEIDRE FIELDS)

RE-APPOINTMENT TO THE BROWNFIELD REDEVELOPMENT AUTHORITY (EMMA KINNARD)

RE-APPOINTMENT TO THE BROWNFIELD REDEVELOPMENT AUTHORITY (EMMA HULL)

AUTHORIZATION TO ACCEPT AND APPROVAL OF INSTALLATION OF THE YOUTH TRAIL SYSTEM "TOO SMALL TO FAIL" IN THE BRITAIN YOUTH PARK

SEPARATED ITEMS

A motion was made by Commissioner Edwards and supported by Commissioner Henderson to approve the RESOLUTION TO APPROVE THE PURCHASE OF ENVIRONMENTAL ASBESTOS ASSESSMENT SERVICES FOR THE CDGB DEMOLITION PROGRAM

During discussion, Commissioner Adams asked for clarity on the environmental asbestos assessment service. Director Little responded that it is a requirement to get an asbestos assessment, and if found there would be another contract for abatement of the asbestos. If the assessment isn't done they all houses have to be treated as if they have asbestos, and the disposal of which can be costly. This would separate the properties that don't have asbestos to try to get some down by winter. Commissioner Edwards asked if the project will require covering. Little stated that it depends on how the assessment comes back and there are different requirements for different types of asbestos. Commissioner Henry stated it is an easy task to be trained to take up hazardous material and we need to take the section 3 money to train our people in lead, mold, and asbestos. Mayor Muhammad called for the question. **Motion carried** on the following roll call vote: YAYS: Commissioner Singleton, Mayor Pro Tem Seats, Commissioners Adams, Clark-griffin, Edwards, Henderson, Isom, Mayor Muhammad. NAYS: Commissioner Henry. Abstain: None. Absent: None.

A motion was made by Commissioner Edwards and supported by Commissioner Edwards to approve the RESOLUTION TO APPROVE THE PURCHASE OF ELECTRICAL CONNECTION SERVICES FOR THE CAMERA SURVEILLANCE SYSTEM

During discussion, Mayor Pro Tem Seats asked the timeframe. Director Little confirmed they will start right away, as soon as the power is to the poles the camera installation will begin, hopefully by the end of the year pending weather and they will be paid upon completion. Mayor Pro Tem Seats stated there needs to be cameras at the river. **Motion carried** on a unanimous roll call vote.

A motion was made by Commissioner Adams and supported by Commissioner Edwards for the APPROVAL OF EXCLUSIVE OPTION TO PURCHASE AND AUTHORIZATION TO REHAB TWO CITY OWNED HOUSING UNITS

During discussion, Mayor Pro Tem Seats asked that the item go to the Planning & Economic Development Committee to be vetted. Director Little stated that these 2 houses were bought from the tax sale and wants to firm up they will have to option to purchase to rehab, with the sole purpose to resell to low income residents. Mayor Muhammad asked if the clause would be there to revert back if they did not fulfill the obligations. Little stated it would revert back. Commissioner Adams stated that there is a property owner right next door to one of these properties that deserves the same respect to obtain that home like the previous owner and doesn't want anyone to think anyone is trying to hold up progress of the newly formed CDC and suggests this be tabled so it can be properly vetted. Mayor Muhammad asked Director Little if it is required to provide documentation to see if they have the capacity to take on two properties or if there was any type of criteria set in place to make sure we are dealing on behalf of the residents. Little stated in this instance they had started relationships with several organizations to prepare for being able obtain the funds. Attorney Racht stated he hasn't had a chance to review this item and also suggest it be tabled and vetted.

A motion was made by Mayor Pro Tem Seats and supported by Commissioner Adams to TABLE THIS ITEM AND SEND IT TO THE PLANNING & ECONOMIC DEVELOPMENT COMMITTEE FOR VETTING. Motion carried on a unanimous roll call vote

A motion was made by Commissioner Adams and supported by Commissioner Henry to DIRECT CITY MANAGER TO SEND A LETTER OF INTENT TO APPLY FOR 2023 SRF FUNDS BEFORE THE NOVEMBER 1 DEADLINE

During discussion, Commissioner Adams explained SRF funding. Mayor Pro Tem Seats suggested a Personnel & Finance Committee meeting be held to discuss the item and to receive the correct information and the application process. Mayor Muhammad stated the letter has to be very specific what is being asked for and the application is attached to the letter of intent. Commissioner Henry asked if the information would be ready to be provided by a special meeting on October 24. Manager Mitchell stated yes. **Motion failed** on the following roll call vote: YAYS: Commissioners Henry, Adams, Clark-Griffin. NAYS: Commissioners Isom, Singleton, Mayor Pro Tem Seats, Commissioners Edwards, Henderson, Mayor Muhammad. Abstain: None. Absent: None

COMMUNICATIONS

Director McGinnis – no report

Assessor Story stated the field work is almost wrapped up

Director Little stated that there was nothing for the Attorney to see yet in regards to the conditional exclusive option to purchase, the terms would be written in the option to purchase and he was trying to expedite it due to weather.

Finance Director Williams stated he sent out a detailed email regarding the SRF funds is a loan where upwards of 7% is forgiven, EGLE applied on the city behalf and we were put on the list then after looking at it, taking ARPA was more favorable.

Attorney Racht concurs with Finance Director Williams' comments regarding the SRF.

Clerk Moore stated that to date 597 absentee ballots have been sent, with 152 returned and there is still time to apply for an absentee ballot prior to the November 8 election and you can do so online by going to mi.gov/vote.

Manager Mitchell stated that we are still waiting on the chamber upgrades due to a supply chain issue.

COMMISSION COMMENTS

Commissioner Adams stated that we need housing and organizations to step up to the plate like the CDC

Commissioner Clark-Griffin stated what you witnessed tonight was the Mayor abusing his powers, he has no veto power.

Commissioner Henry stated she will file a complaint with the Clerk about the Mayor being disrespectful, there needs a protocol on how the meeting should be run, it is dysfunctional. She stated there is a water plant analysis meeting scheduled for tomorrow, she asked what decisions could be made if the whole body met together on that project. She also stated that she would like more information on the presentation happening Fri with SWMPC and Ox Creek.

Commissioner Edwards stated that his son attended two meetings and his feedback was why can't everyone get together and do things together, there's argument and confusion and his suggestion was everyone needs to be replaced. He asked if residents know that the city is understaff then why don't they get out there clean up.

Commissioner Isom said thank you, expect great things.

Commissioner Singleton stated that TCATA has it's own board and hopefully Ms. Mesa can get answers. He's glad the cameras are moving forward.

Commissioner Henderson stated the way the meets are run is like the broken wind theory, people normalize behaviors and actions because it's constantly done, unity is what gets things done. As a body, we need to figure out how to normalize getting along and communication to solve issue.

Mayor Pro Tem Seats recognized Mayor Hull, who is a very distinguished mentor. He sees a change happening in the city. It's one thing to build, it's another to intentionally tear down. An organized lie is more powerful than disorganized truth. He will be bringing to Planning & Economic Development the potential of dedicating a whole park an MLK Memorial Park.

Mayor Muhammad stated that 95% of the lead line work is complete, changed over 4,500 lines, with about 200 left to be inspected. There's great work being done in the City of Benton Harbor. 91 homes have been inspected for lead inside the homes, with up to \$10,000 to replace windows, siding doors through the Clean Home Initiative through MDHHS, applications are online and in the city hall. Many Commissioners will be attending the MML Convention this week.

A motion was made by Commissioner Adams and supported by Commissioner Henderson for a CLOSED SESSION TO REVIEW MANAGER EVALUATION AND DISCUSS PENDING LEAD LINE LITIGATION AND INSURANCE COVERAGE – DUTY TO DEFEND/INDEMNITY. Motion carried on a unanimous roll call vote.

Regular meeting closed at 9:29pm

Regular meeting reconvened from Closed Session at 10:05pm

A motion was made by Commissioner Singleton and supported by Commissioner Edwards to accept Option A as a result of the Closed Session. 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: None. Abstain: None. Absent: Commissioner Adams.

MOTION TO ADJOURN

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

The regular meeting was adjourned by Mayor Muhammad at 10:06pm.

Tiffany Moore, City Clerk

Marcus Muhammad, Mayor