

**MINUTES OF THE BENTON HARBOR CITY COMMISSION
LULA LEE COMMISSION CHAMBERS
OCTOBER 10, 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 Isom. 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 7:04pm). 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 September 19, 2022. Motion carried on the following roll call vote: YEAS: Commissioners Henderson, Henry, Isom, Singleton, Adams, Clark-Griffin, Edwards, 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 Singleton to approve the Accounts Payable Listing.

During discussion, Commissioner Henry asked about the charge to Dirt Cheap Lawn Care Services for \$12,000. Manager Mitchell clarified that was for cleaning up dump sites and hauling debris. Henry asked for verification that pictures are taken and the previous process is still working for us and to make sure they are doing what they are supposed to be doing. Commissioner Adams asked what is available to the body as a member of Southwest Michigan Regional Chamber. She asked about the charge to Roosters Party Store for instructors workshop, and KSS Enterprises and Thayer for cleaning supplies and asked if we can support a local business for those things. Mayor Muhammad called for the question. **Motion carried** on the following roll call vote. YEAS: Commissioners Isom, Singleton, Mayor Pro Tem Seats, Commissioners Adams, Clark-Griffin, Edwards, Henderson, Mayor Muhammad. NAYS: Commissioner Henry. Members Abstain: None. Members Absent: None.

UPDATE – COUNTY COMMISSIONER YARBROUGH

Commissioner Yarbrough reported that in 2021 Berrien County Board approved going out for a grant to the Economic Development Department, which was sent in for the City of Benton Harbor and the City of Niles from input from Cornerstone Alliance, the grant was received for 2.6 million dollars. This will be going to the Community Development Department. There was a dock built by Berrien County on Riverview Dr with grant money, there is hope to build 4-5 stops for the water taxi. The tax sale is in it's 2nd year on the computer, running the auction for 1 month, it has lifted a lot off of the County. September 29-October 28 is the last sale. There was a BC Bits meeting via zoom with communities. The County will be applying for all the grants available to make broadband available everywhere.

PRESENTATION – UNIFIED CIVIC MONUMENT PROJECT

Sharon Brown thanked everyone for the support this far.

Tami, with Krasl, gave an overview of outreach. In June 2021, the City Commission approved the placement of the monument, they have done outreach since on the proposed design.

Artist Harold Woodbridge explained what the artists were asked to do and some of the feedback received. The proposed concepts of the design were presented.

Mayor Muhammad thanked the organization for the presentation and the artist for the eye.

Commissioner Adams stated she liked what she saw and hopes this is an opportunity to build on the past, present and future.

Commissioner Henderson asked what the quote was that was presented. Tami read the proposed quote.

Mayor Pro Tem Seats stated this has come along way from where it started. He asked about the 2 proposed busts and about the square footage and insurance. Tami stated Krasl and the African American History & Literature Gallery would provide the insurance, there would be no cost to the City.

Commissioner Edwards stated he remembers the public outreach meetings and the position in the park doesn't interfere with traffic in the park or with the farmers market.

Commissioner Singleton stated he is excited to be able to see it live and share the experience with his grandkids.

Commissioner Clark-Griffin stated there is a lot going on in that park, and she doesn't want to see the park overwhelmed.

Mayor Muhammad gave history on the I Have a Dream Speech. He doesn't think the quote is fitting for this context. He thinks we need to look and the entire project again and doesn't want discussion tonight to diminish that, as it is sensitive. He asked for patience and will be seeking a motion to table when it comes to vote.

Henderson remembers discussion the quote and the first monument draft being too large for that park. Seats agrees that we agreed on a statue, not a monument with other heads and backdrop. He suggests for now why don't we concentrate on just a statue.

Commissioner Adams stated the downtown is the most vibrant place in the city, and we can't forget the inner city.

Sharon Brown stated we have to start somewhere, the conversations have to happen.

Tami stated this was a pragmatic situation with the donors and the time it takes to create a bronze statue.

Mayor Muhammad stated the Commission will move forward in the right time and the right way.

CITIZENS COMMENTS

Elizabeth McCree stated she is the attorney representing the case of the City vs Lady T, who is currently facing criminal charges. The motion hearing was held today. Wanted to be clear about illustrative enumeration and the tickets that are being issue to citizens, both residential and commercial are criminal misdemeanors, the code gives a maximum possible penalty of 90 days in jail and/or a \$500 fine. Today the City attorney admitted on record there was a letter sent giving 90 days to demolish the building but he authorized the criminal charge after 60 days. Her motion was denied, she will be appealing that. Wanted to be clear these are criminal misdemeanors and there are other people that have been charged with this charged, some are on probation until the buildings are demolished. The City attorney stated today that none of the buildings have been demolished, so there are some people that could be facing show cause and probation violation after pleading to a criminal charge for

illustrative enumeration and none of the buildings have been demolished. So if the goal is to tear down the blight and these charges have been in front of the court and none of the buildings have been torn down, are you really doing what it is you are trying to get done with clearing the city and addressing the issue.

Emma Kinnard & PJ represented the Fresh Start Children's Garden on Pearl and May and stated there has been a tree problem on Pearl, the E side of the corner on the tree law, it is chewing the sidewalk, limbs are falling and it's putting people at risk.

Lee Reed, Chairman of the Planning Commission gave an update on the Master Plan, he said it is slowly but surely taking place. He presented a press release listing the upcoming neighborhood workshop details. He said the process will continue through May 2023, and there are 4 more opportunities for citizens to get involved. On October 10 there will be an advisory meeting for the Planning Commission. Workshops will still need to be held on the Riverfront, downtown and the Harbor.

Spencer Nesbitt thanked Manager Mitchell for the work being done in the city. He has seen potholes being filled but concerned if they will all be filled. He said there was a statement at the last meeting that the streets were cleaner than they've ever been, he disagrees with that, he has not seen the sweeper out cleaning the streets. There used to be trucks out every week cleaning the streets.

Mr Duncan would like there to be a discussion on 5G and the effects of people in the city. He wondered if broadband was attached to 5G. He asked what is it about 5G that you don't want to talk about.

CONSENT CALENDAR

A motion was made by Mayor Muhammad and supported by Pro Tem Seats to remove the RESOLUTION TO APPROVE THE MONUMENT DESIGN HONORING DR MARTIN LUTHER KING JR, AND AUTHORIZATION FOR THE CITY MANAGER TO SERVE AS THE LIAISON TO THE UNIFIED CIVIC MONUMETS PROJECT IN REALIZING THIS PROJECT IN THE DWIGHT P MITHCELL CITY CENTER PARK from the agenda. Motion carried on the following roll call vote: YAYS: Commissioner Singleton, Mayor Pro Tem Seats, Commissioners Adams, Clark-Griffin, Henderson, Henry, Mayor Muhammad. NAYS: Commissioners Isom, Edwards. Abstain: None. Absent: None.

Commissioner Henry requested to remove RESOLUTION TO APPROVE A MONTHLY TRAVEL STIPEND FOR FINANCE DIRECTOR JAMES WILLIAMS for further discussion.

Commissioner Henry requested to remove RESOLUTION FOR PARTNERSHIP WITH MICHIGAN STATE AFL-CIO WORKFORCE DEVELOPMENT INSTITUTE AS AN ACCESS FOR ALL ADVISORY BOARD for further discussion.

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

RESOLUTION FOR USE OF PERMANENT PUBLIC IMPROVEMENT FUNDS – FOR FIREHOUSE IMPROVEMENTS

SEPARATED ITEMS

A motion was made by Commissioner Adams and supported by Commissioner Singleton to approve the RESOLUTION TO APPROVE A MONTHLY TRAVEL STIPEND FOR FINANCE DIRECTOR JAMES WILLIAMS

During discussion, Mayor Muhammad read the recommendation, justification, financial impact and resolution. He stated there are challenges in the housing market. Commissioner Henry asked if the stipend was a max for the month. Mayor Muhammad clarified the \$600 was for travel expenses and in the process of hiring Mr Williams he has not requested moving expenses, there are organizations provided relocation expenses and sign on bonuses. Mayor Pro Tem Seats stated he would like to see a gas card given, where the city gets a possible discount on gas, there is also wear and tear on his vehicle and he doesn't want this to be a trend setter. Commissioner Henderson is concerned this will open a gateway for others who travel to work. She wouldn't have taken a job that may miles away that she would have to spend gas and relocate to. She asked why wouldn't that have been negotiated in his salary, that would have been a better place to negotiate that. She is glad to role is filled, but it's too early for kudos. She agrees a gas card or city car is a better option. Commissioner Adams stated that other employees that travel should have moved by now and he should get a city car and gas card. Commissioner Singleton stated the item went to the Personnel & Finance Committee, where they are assigned to recruit and negotiate Commission employees. Negotiation happens with the Commission. During the final interview and negotiation with Mr Williams, through negotiations they knew the city couldn't pay what he was initially asking, but he stated he was looking to move to the city and he thinks 6 months for \$3600 is low. Commissioner Clark-Griffin stated that negotiations just went through with the union, most are 3-5 years so she doesn't see them coming back to ask for more. She stated that the city couldn't afford what Mr Williams was asking for, she doesn't think this is much to give him time to try to relocate, and the current employees that travel have been here for years, if they wanted to move they would have by now. Commissioner Henry stated the city gets gas for a discount through the state. Director McGinnis stated that is not true and Mayor Muhammad stated we do not buy gas from the state. Henry stated that the city gets new cars from enterprise and we need to look at the best way to use the city's money. Mayor Muhammad stated this is the quickest and easiest process and Mr Williams will present receipts at the end of the month, and the stipend is coming from the Finance budget. Henderson stated after listening to everyone's comments, why not give him the \$3600 up front as a bonus and be done. Mayor Muhammad stated it is a layer of accountability and is most practicable. Clark-Griffin stated that stipends are tax free and bonuses are taxed. Henderson clarified that monthly stipends are taxed. Commissioner Isom stated the city got a finance director, and incentives need to be made to keep and maintain employees. Finance Director Williams stated he spends approximately \$600 every two weeks, and appreciates the help. Commissioner Henderson called for the question. **Motion carried** on a unanimous roll call vote.

A motion was made by Commissioner Adams and supported by Commissioner Clark-Griffin to approve the RESOLUTION FOR PARTNERSHIP WITH MICHIGAN STATE AFL-CIO WORKFORCE DEVELOPMENT INSTITUTE AS AN ACCESS FOR ALL ADVISORY BOARD

During discussion, Commissioner Adams stated this program will work will with Manchester Bidwell and putting people in the City on the right path. She wants to see a career class in the community in walking distance and choices in trainings. Commissioner Henry stated she didn't have a chance to review the presentation on YouTube and asked if they were connected to Kinexus/MiWorks and if they are going to concentrate on Benton Harbor or the region. Manager Mitchell stated they are going

to attempt to hire Benton Harbor residents. Commission Clark-Griffin stated she was at the meeting and yes the focus is on Benton Harbor residents. Commissioner Singleton stated there was a presentation at a couple meeting and he had the chance to go out and look at what they do and sit down and talk with them. Mayor Muhammad called for the question. **Motion carried** on a unanimous call vote.

COMMUNICATIONS

Director McGinnis clarified that when they train other departments fees come in and that is the money that goes out for training.

Assessor Story – no report

Director Little – no report

Finance Director Williams thanked everyone for the assistance, it will be a great help to him and his family. He reported his department is currently working on the audit and also reported that the ARPA balance is \$4,646,063.33 that has to be spent by the end of 2024.

Attorney Racht reported there was a hearing in district court and Attorney Racht was correct, illustrative enumeration, as well as blight, dangerous homes, illegal dumping loud music, etc that pose a danger to the city and its residents. The city for many years has condemned but for whatever reason has not held the property owners accountable, there are many that are deteriorating and are unsafe. He stated he was hired to do a job, part of which is to prosecute city ordinances and prosecute the tickets the public safety department writes. The city is his client and he works hard to protect the city. Without enforcement the city would not see improvement. As soon as the city starts enforcing the laws, he's gotten push back from every single ticket. Properties have been vacant and condemned for several years and nothing is being done until the city makes them. All the city has every asked for is compliance and there hasn't been any until the laws get enforced. He stated that all the ordinance prosecution that is done is always criminal misdemeanors but he has always recommended fines and costs and abate the nuisance or demolish, not send anyone to jail.

Clerk Moore clarified the next Commission meeting is October 17, she announced the Opportunity and Resource Fair on October 6 at Boys & Girls Club from 3-6pm.

Manager Mitchell asked the Commissioners to pass out the flyers they were give advertising the Opportunity and Resource Fair.

COMMISSION COMMENTS

Commissioner Clark-Griffin stated she will continue to support the city and the Commission doesn't run day to day operations. She is not in support of criminalizing a 91 year old that is fighting for her life.

Commissioner Henry stated the Commissioner should know that the attorney is doing, per the charter and they are here to support the residents and in the past it has been brought up to change criminal charges to civil.

Commissioner Edwards stated he understands these things can be case by case. He would like an advisory board that looks at these on a case by case basis.

Commissioner Henderson stated that the city just wants compliance. The Legislative Committee has been reviewing ordinances given by Public Safety & Code Compliance. The departments are still working on some and you can't complain when the staff is doing what they are being asked to do.

Commissioner Singleton stated the city is being beat down about not cleaning up and for Public Safety, compliance is the main issue. Nobody wants to put anyone in jail, the main issue is getting

something done, can't sit forever in those conditions. He hopes the monument will get done and we don't kick the can down the road too long.

Commissioner Isom stated there is a lot going on in the city, we are trying to clean the city. He wants to keep Mr Williams in the Finance Director position. He told UCMP to trust the process, sometimes you gotta go through something, it's gonna happen. We need things in the park, like buoys, bathroom and faucet. Need to bump up public works, they are the key.

Commissioner Adams stated there has to be hiring and training to run the equipment. There are some very unsafe structures. She asked everyone to google the Breath Act, racial equity is real.

Mayor Pro Tem Seats state the fight is real and the fight is still a fight.

Mayor Muhammad stated anything of great value, there is great difficulty attached to it. He looks forward to working with UCMP. He clarified Dirt Cheap Lawncare was paid \$12,000 of taxpayer money for illegal dumping. There has to be some teeth in enforcement. The council wants to work with anybody to bring any property back to life to put in on the taxroll, it is our responsibility to make sure it's safe.

CLOSED SESSION – REVIEW MANAGER EVALUATION

Clerk Moore reminded Mayor Muhammad, that the City Commission Policy & Procedures states there is a mandatory closure time of 10:00pm and remaining business will be reschedule dot the next regular meeting, unless there is a matter of urgency regarding a particular issue, then the Commission may schedule a special session or suspend the rules to extend the closure time for that meeting. With that being said, Mayor Muhammad asked if there was a motion to adjourn.

MOTION TO ADJOURN

A motion made by Mayor Pro Tem Seats and supported by Commissioner to adjourn the meeting was carried on a unanimous roll call vote.

The regular meeting was adjourned by Mayor Muhammad at 10:00pm.

Tiffany Moore, City Clerk

Marcus Muhammad, Mayor