

**MINUTES OF THE BENTON HARBOR CITY COMMISSION
LULA LEE COMMISSION CHAMBERS
DECEMBER 19, 2022**

The regular meeting of the Benton Harbor City Commission was called to order by Mayor Muhammad at 7:00p.m. Invocation was led by Commissioner Henderson and Pledge of Allegiance was lead by 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 7:16pm, left at 9:17pm). Also present: City Manager Mitchell, Public Safety Director McGinnis, Community and Economic Director/Assistant City Manager Little, Finance Director Williams, Attorney Racht and Clerk Moore

APPROVAL OF MINUTES

A motion was made by Commissioner Adams and supported by Commissioner Henderson to approve the Regular Minutes of December 5, 2022 and Closed Minutes of December 5, 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 Edwards to approve the Accounts Payable Listing.

During discussion, Commissioner Adams inquired why we are paying Public Works as well as Dirt Cheap to pick up debris and if we own our own truck why are we paying Clean Earth for sewer cleaning. Manager Mitchell clarified that Dirt Cheap was for extra dump site clean up and Clean Earth was for sewer work we didn't have the capacity to do. Commissioner Henry would like the numbers for the trucks and would like to know what department and vehicles these charges for parts and services are for. Commissioner Henderson stated she knows there is a contract through Enterprise for Public Safety vehicles but inquired on the \$32,445.19 charge. Finance Director Williams stated that entails most of the Public Safety vehicles lease, we have a fleet, and believes that is an annual cost, but he will be looking into that further. Adams stated she would like clarification on how many times a year Enterprise is paid. With no further discussion, **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.

UPDATE – COUNTY COMMISSIONER YARBROUGH

Commissioner Yarbrough reported on the tax foreclosure sale, 113 properties went to auction, 64 were sold in the first round, 17 were sold in the second round, the City purchased 32 properties, 2 went to the land bank, the gross sale was \$701,530. She reported the taxes collected go back to the communities in Berrien County. She announced the Michigan Homeowner Association Fund for homeowners with financial hardship through MSHDA. She encouraged the Commission to pass grants as they are presented. She reported there are 7 Senior Centers in the County, and milage money is divided among these, she encourages everyone to look at the Senior Center activities to see if there is something of interest.

Commissioner Adams asked if the County had a warming station. Commissioner Yarbrough stated there are many county agencies that work to get those together.

PRESENTATION – WATER SYSTEM ALTERNATIVES ANALYSIS

John Young stated the decision by the Commission tonight why tell what direction to go with the report that is due in March. So far more than half of the deficiencies identified by the EPA have been met. He stated for the past year, the clarity of the water has met all water quality standards, the water has been properly disinfected, the water has been properly treated for corrosion. For the last 18 months the lead and copper requirements were met. He said all the test results show the water is good. The report for the alternatives is a requirement of the EPA order and that report meets all regulatory requirements and the city has met compliance with the order. Seven alternatives were presented, the report was put out for public comment, a lot of support for Alternative 1 from the comments, which is the most cost effective and practical solution.

Commissioner Singleton asked if that takes in to account the lead line replacement that has been complete. Young stated there is a few to go, but the water quality in the system has been treated, minimizes lead leaking out of the lead lines. Some houses have a little bit of lead inside the home, the water has to be properly treated to minimize corrosion in the home, and that has been done.

Commissioner Edwards asked if it would be recommended to replace fixtures in the home. Young responded that if the water is treated properly, you won't have any exposure.

Commissioner Adams stated we need to continue to have our filters replaced, there is a program that those can be replaced to ensure we get the water we deserve. Young stated that DHHS is still saying to use filters until every lead line is replaced, but the water is good.

Young stated that Alternative 1 is what the public prefers from the comments, there are still affordability issues and capital projects to improve the system, still need to find, train and retain staff. There were three options in Alternative 1, right now the city doesn't have trained and certified staff needed, the goal may be to get to all city employees, approving Alternative 1C says let's start with this, using some contractors and moving to the goal of using all city employees.

Mayor Pro Tem Seats stated the purity of the water is the question and the water plant has met every stipulation needed. He reiterated the water quality is up to par.

Commissioner Henry asked once the decision is made, who will control the process. Young stated the city will, the only thing required is the second report is due in March. The city will choose the Alternative and they will gather the information required to get there.

CITIZENS COMMENTS

Angela Gray expressed concerns with Crystal Springs Cemetery. She stated it has become deplorable, she has seen leaves being raked and mowing being done but the thoroughfares have potholes. She asked if any funds were going to be set aside to repair the roads and bring the cemetery up to par as it once was. She stated she has a copy of a complaint form filed with the city manager's office last December and offered to give another copy.

CONSENT CALENDAR

Commissioner Clark-Griffin requested to remove the following items from the Consent Calendar for further discussion:

ZONING ORDINANCE AMENDMENT TO MODIFY WHICH SITES MAY USE THE PLANNED DEVELOPMENT OPTION

ZONING MAP AMENDMENT TO REZONE THREE PARCELS FROM GENERAL
 COMMERCIAL AND LIGHT INDUSTRIAL TO MIXED USE
 AMENDMENT TO ORDINANCE CHAPTER 25 – NUISANCE
 APPROVAL OF AUTHORIZATION FOR CITY MANAGER TO SUBMIT SPARK GRANT
 FOR JEAN KLOCK PARK IMPROVEMENTS
 RESOLUTION TO APPROVE THE MONUMENT DESIGN HONORING DR MARTIN
 LUTHER KING JR IN DWIGHT P MITCHELL CITY CENTER

Commissioner Adams requested to remove RE-APPOINTMENT TO THE HOUSING
 COMMISSION (RALPH CRENSHAW) from the Consent Calendar for further discussion.

A motion was made by Commissioner Singleton and supported by Commissioner Adams to APPROVE THE CONSENT CALENDAR. Motion carried on a unanimous roll call vote.
 Consent Calendar Items Include:

2023 CITY COMMISSION MEETING DATES & HOLIDAY SCHEDULE

RE-APPOINTMENT TO THE DOWNTOWN DEVELOPMENT ASSOCIATION (ROGER LANGE)

RESOLUTION TO ACCEPT FREDERICK S UPTON FOUNDATION GRANT & APPROVAL TO
 PURCHASE UTV AND FIRE PUMP

RESOLUTION TO SELECT ALTERNATIVE 1C OF THE CITY OF BENTON HARBOR WATER
 SYSTEM ALTERNATIVES ANALYSIS

A motion was made by Commissioner Adams and supported by Commission Edwards to approve ZONING ORDINANCE AMENDMENT O MODIFY WHICH SITES MAY USE THE PLANNED DEVELOPMENT OPTION

During discussion, Commissioner Clark-Griffin stated it would negatively affect the surrounding properties and there is no benefit and gives the developers more control over the businesses that are already down there. Director Little stated the benefit is that it reduces the size of the acreage required to apply, it is currently limited to lots that are 5 acres and large and specific zoning areas. This will reduce the acreage required to 1.5 acres, it would go in front of the Planning Commission, a site plan has to be submitted and reviewed by the Planning Commission to make a recommendation. The plus is that currently if a block is zoned single-family residential, nothing else can go in there. This type of flexibility would benefit the city's tax base by allowing more than just single-family residences to be built. Mayor Muhammad asked if there were any current developments that would benefit from this ordinance change. Little responded that it gives Project T flexibility to come in with a design that would provide for the proposed commercial space, some 3-4 story and single family units. The Corner of Wall St could also apply. He has been contacted by two other developers looking to build housing units. Mayor Pro Tem Seats stated this something the city has been trying to do. There is an open field across from the 600 block of Broadway, On Pipestone, there is an area able to build whatever is necessary, but if you're ham strung your limited the ability to progress. This is a wonderful opportunity to provide more stable and beautiful housing. There is no reason we can't put multi-family or Mixed-Use where people feel comfortable. Commissioner Adams stated we need affordable housing and is hoping what we are about to see with Project T is better than what Habitat has built in

this area. Commissioner Singleton stated this will help when we talk about building the inner city neighborhood and mixed use would make it easier to get other development going. Director Little stated the goal of Economic Development is to increase the tax base. The current ordinance has only been used one time, by Harbor Shores. Commissioner Henderson stated that housing needs to be addressed and we have to try something. Commissioner Henry stated that changing the zoning to planned development, there's a smaller area and when projects benefit downtown, we should see how it benefits residents too, we have to prepare residents and the city for human growth. Commissioner Singleton stated this project is not just regulating the Mercy lot but can be adopted throughout the city to rebuild the neighborhoods. Director Little this is for the neighborhoods, it's not for the downtown, it's so you can have in a block, houses, a small store, or another service. Mayor Muhammad stated if you look at Economic Development from the one time use, look at development in neighborhoods, if the ordinance doesn't invite them to come in and invest. Attorney Racht clarified that the only changes are decreasing from 5 acres to 1.5 acres, and adding sites located in Local Commercial and Mixed Use. Mayor Muhammad called for the question. **Motion carried** on the following roll call vote: YAYS: Commissioner Singleton, Mayor Pro Tem Seats, Commissioners Adam, Clark-Griffin, Edwards, Henderson, Henry, Isom. NAYS: None. Abstain: Mayor Muhammad exercised his right to vote as a Planning Commissioner. Absent: None.

A motion was made by Commissioner Adams and supported by Commissioner Edwards to approve ZONING MAP AMENDMENT TO REZONE THREE PARCELS FROM GENERAL COMMERCIAL AND LIGHT INDUSTRIAL TO MIXED USE

During discussion, Commissioner Clark-Griffin believes this will negatively affect the surrounding areas and there is no benefit. This item went to the Planning Commission and it is not say anything about the inner city. Commissioner Edwards stated he loved this project, has spoken with residents who are for it, you can't go anywhere in the city and get an orange, in that area we are talking about a store. Commissioner Adams hopes checking with business owners and taxpayers in those locations to get an opinion. Director Little clarified this is the area of the Corner of Wall St project. Commissioner Henderson called for the question. **Motion carried** on the following roll call vote: YAYS: Mayor Pro Tem Seats, Commissioners Adams, Clark-Griffin, Edwards, Henderson, Henry, Isom. NAYS: None. Abstain: Mayor Muhammad exercised his right to vote as a Planning Commissioner. Absent: None.

A motion was made by Commissioner Henderson and supported by Commissioner Singleton to approve AMENDMENT TO ORDINANCE CHAPTER 25 – NUISANCE

During discussion, Commissioner Clark-Griffin asked who this ordinance is aimed at, it might get enforced on some people and not others. Commissioner Henderson stated this item went thorough the Legislative Committee, the ordinance was updated to meet our needs, the ordinance is to protect the city and allow employees to do their jobs. Director McGinnis clarified that two headings were switched and the name of one heading was changed. Commissioner Adams asked if a property owner has to board up their property, the city needs to be up to the same standards, she sees gentrification of a community of color. McGinnis stated that Section C was added. Commissioner Singleton stated you can make your case to the building official if you have a plan and it's worthwhile to ask for extra time, but you can't not do anything. This will help the complaints that come in on a regular basis. Mayor Pro Tem Seats would like to see the downtown kept to the same standards. Mayor Muhammad stated the ordinance does give caveat to work with the building department and we want to see the city cleaned up and see the city moving forward. Commissioner Henderson called for the question. **Motion carried** on a unanimous roll call vote.

A motion was made by Commissioner Adams and supported by Mayor Pro Tem Seats for the APPROVAL OF AUTHORIZATION FOR CITY MANAGER TO SUBMIT SPARK GRANT FOR JEAN KLOCK PARK IMPROVEMENTS

During discussion, Commissioner Clark-Griffin stated she would like to see grants for the inner city, the amount for the Jean Klock Park for the restrooms and playground could improve a full inner city park that doesn't have restrooms or a playground. Mayor Muhammad stated that Jean Klock Park is one of our greatest assets. Mayor Pro Tem Seats stated we should invest in all our parks, Jean Klock Park is a jewel, he asked if there was an agreement for upkeep of Jean Klock Park. Commissioner Singleton said this item went through Public Safety & Parks Committee and the Sparks Grant allows up to 3 grants to be submitted, the first was Hall Park, there is still one more than can be submitted, but there is a timeline. Commissioner Henry asked what the other improvements are that are not listed in the document. Attorney Racht clarified that the Memo stated other improvements but the Resolution itself has a break down, including no cash match required from the city. Commissioner Adams called for the question. **Motion carried** on a unanimous roll call vote.

A motion was made by Commissioner Singleton and supported by Commissioner Henderson to approve the RESOLUTION TO APPROVE THE MONUMENT DESIGN HONORING DR MARTIN LUTHER KING JR IN DWIGHT P MITCHELL CITY CENTER PARK

During discussion, Commissioner Clark-Griffin stated she sees things were removed from the last draft but it is still taking up too much space with the circle and table. Mayor Pro Tem Seats would like it down scaled and placed in a memorial park and remove the table and blocks and put Martin higher. Commissioner Adams likes it and it isn't as large as it looks on paper. Commissioner Singleton stated the draft presented was scaled down, he sees it as a spot for people to sit down and talk and possibly have those tough conversations. Commissioner Isom stated that the committee took feedback from the October 3rd meeting and scaled it back. He stated it's about a seat at the table to bring people together, it's an educational piece. Mayor Muhammad stated the project birthed from an idea that needed funds, they fundraised to make it a reality. Commissioner Singleton called for the question. **Motion carried** on the following roll call vote: YAYS: Commissioners Henderson, Henry, Isom, Singleton, Mayor Pro Tem Seats (with clarity that it won't be Table of Brotherhood quote, Commissioner Isom clarified it won't say that.) Commissioners Adams, Edwards, Mayor Muhammad. NAYS: Commissioner Clark-Griffin. Abstain: None. Absent: None.

A motion was made by Commissioner Henderson and supported by Commissioner Edwards to approve the RE-APPOINTMENT TO THE HOUSING COMMISSION (RALPH CRENSHAW)

During discussion, Commissioner Adams stated no one person can run any board or committee, but everyone appointed to these boards come through us. All committees should be transparent on what's going on and have their meetings taped like us. All committees need to provide quarterly updates. Commissioner Henderson stated that updates are given in the Legislative Committee. Mayor Muhammad stated that Mr. Crenshaw is the longest standing Commissioner behind the late Charles Yarbrough, of 30 years. Commissioner Henry asked for clarification on committees reporting to the Commission, Mayor Muhammad clarified the Charter does not require them to report to the Commission, the Charter gives us the authority through our ordinance to appoint and confirm the board. Commissioner Singleton called for the question. **Motion carried** on the following roll call

vote: YAYS: Commissioners Henry, Isom, Singleton, Adams, Clark-Griffin, Edwards, Henderson, Mayor Muhammad. NAYS: None. Abstain: None. Absent: Mayor Pro Tem Seats

COMMUNICATIONS

Director McGinnis stated the plan for 2023 will include some forums, sessions, summits in the Public and on Monday, for Kwanza, he will be doing the first presentation for historical outreach.

Director Little stated MSHDA just released housing and community development funds allocation plan, City of Benton Harbor specifically is one of the target areas for assist and support, this means a number of things will be coming through fast in order to capitalize to get more money.

Attorney Racht – no report

Clerk Moore wished everyone a Merry Christmas & Happy New Year

Manager Mitchell also wished everyone a Merry Christmas & Happy New Year

COMMISSION COMMENTS

Commissioner Clark-Griffin stated that Saturday her Ward was able to bless 100 Seniors and Youth with care packages and toys in the 4th Ward. She thanked those that helped and donated.

Commissioner Henry last year she saw a little white at the end of the tunnel, that little light has become a flashlight, we are being recognized and everyone is looking at us, we have to make sure we are taking care of our people, if we keep making decisions that have nothing to do with our people, we get gentrification. Looking forward to 2023 and to the seats being filled with young people with ideas.

Commissioner Edwards is glad to see the monument project moving forward.

Commissioner Henderson stated a resident was concerned regarding NYE because of where they live and asked Director McGinnis if anything would be done. She said a lot of times when you serve with a lot of different people, often people can't see your intent, people need to trust you have the best interest at heart, we need people to see our intent is to better the lives of the people, the businesses, the residents, the children that live in our community, that can only be done as a team, building collaboration is how to get that done, we accomplish more when moving towards the same goal, and the intent is the same.

Commissioner Adams stated there is something you can get done when you are working for everybody as a whole. Is excited to see what is going to happen in the community. We need to position ourselves to have proper training in place.

Commissioner Isom thanked Commissioner Yarbrough for her update, it good news to hear the water quality is good, thanked the Commission for being a good team, to the Unified Civic Monument Project, as Co-Chair, it has been a long time in the works.

Commissioner Singleton announced that 105.3 and Abundant Life Church purchased coats, hats, and gloves and handed them out to people that were out and about and on the street. He thanked the leadership of the Mayor and the Commission body. He's looking forward to 2023 and mentoring and community based programs.

Mayor Muhammad stated that 2022 has been a tumultuous year, 2021 started the water crisis, he thanked the City Council for allowing for the people to rise above and hopefully 2023 we will find a way to work together, it matters how we act, need to work with one another and position ourselves. The lead service line project is 99.4% complete. Encouraged everyone as we leave tonight to take time to reflect on where we were, where we are now and where we are trying to go. He thanked the City Manager for his leadership throughout the year.

MOTION TO ADJOURN

A motion made by Commissioner Adams and supported by Commissioner Singleton to adjourn the meeting 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 by Mayor Muhammad at 9:57pm.

Tiffany Moore, City Clerk

Marcus Muhammad, Mayor