APPROVED JUNE 25, 2014

1	CITY OF BENTON HARBOR
2	RECEIVERSHIP TRANSITION ADVISORY BOARD
3	4-30-2014
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5	Transcript of City of Benton Harbor Receivership Transition
6	Advisory Board, said proceedings were held on April 30, 2014,
7	at Commission Chambers, Benton Harbor City Hall, 200 East Wall
8	Street, Benton Harbor, Michigan 49022 at 11:00 a.m.
9	
10	BOARD MEMBERS:
11	MR. CARY J. VAUGHN
12	MR. BRET WITKOWSKI
13	MS. SHARON HUNT
14	MR. MARVIN L. RAGLON Page 1

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16	TREASURY STAFF:
17	MR. R. ERIC CLINE
18	MR. BRIAN CARPENTER
19	MR. ROBERT WIDIGAN
20	
21	BENTON HARBOR STAFF:
22	MR. DARWIN WATSON
23	
24	TRANSCRIBED BY: MARJORIE A. COVEY, CSR-2616 Certified Shorthand Reporter
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04-30-2014 RTAB Hearing Revised MAC **PROCEEDINGS** (Time: 11:00 a.m.) 2 CHAIRMAN CARY VAUGHN: It is 11 o'clock. I'm calling the Receivership Transition Advisory Board Meeting to 5 order. 6 Mr. Cline, would you please call the roll? 7 MR. R. ERIC CLINE: Yes. 8 Cary Vaughn? 9 CHAIRMAN CARY VAUGHN: Here. 10 MR. R. ERIC CLINE: Bret Witkowski? 11 MR. BRET WITKOWSKI: Here. 12 MR. R. ERIC CLINE: Sharon Hunt? 13 MS. SHARON HUNT: Here. 14 MR. R. ERIC CLINE: Marvin Raglon? 15 MR. MARVIN RAGLON: Here. 16 MR. R. ERIC CLINE: And all are present.

Page 3

	04-30-2014 RTAB Hearing Revised MAC						
17	CHAIRMAN CARY VAUGHN: I'd like to remind the						
18	public if they would like to speak during public comments, to						
19	sign in on the public comment sheets up front, or they will						
20	not be recognized.						
21	The second item to discuss is the approval of the						
22	agenda. We all have a copy of the agenda.						
23	Any discussion?						
24	I'd like to entertain a motion to approve the						
25	agenda as presented.						
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MR. BRET WITKOWSKI: I'll make that motion.

CHAIRMAN CARY VAUGHN: Is there a second?

MR. MARVIN RAGLON: I second.

Page 4

4		CHAIRMAN CARY VAUGHN: All those in favor, say aye.
5		MR. BRET WITKOWSKI: Aye.
6		MS. SHARON HUNT: Aye.
7		MR. MARVIN RAGLON: Aye.
8		CHAIRMAN CARY VAUGHN: All opposed, say no.
9		Motion passed.
ro		The next item is the approval of the draft April 9,
L1	2014 RTAB	meeting minutes.
L2		MR. MARVIN RAGLON: Mr. Chairman, I have a
L3	correction	n to be made to the agenda. Item number five, Board
L4	comments,	reads that under my comment that the city manager
L5	is leasing	g the property that is owned by myself and a
L6	partner.	It should be the assistant city manager, Marja
L7	Winters.	
L8		So if we could make that correction, please.
19		CHAIRMAN CARY VAUGHN: That's on page Page 5

20	MR. MARVIN RAGLON: There is no page but it's on						
21	the first page, item number five.						
22	MR. R. ERIC CLINE: We can take care of that.						
23	CHAIRMAN CARY VAUGHN: Okay. That will be so						
24	noted.						
25	Any other questions or modifications needed?						
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	3						
1	3 I'd like to entertain a motion to approve the draft						
1 2							
	I'd like to entertain a motion to approve the draft						

MR. BRET WITKOWSKI: I'll make the motion.

6	04-30-2014 RTAB Hearing Revised MAC CHAIRMAN CARY VAUGHN: Is there a second?
7	MR. MARVIN RAGLON: Second.
8	CHAIRMAN CARY VAUGHN: All those in favor, say aye.
9	MR. BRET WITKOWSKI: Aye.
10	MS. SHARON HUNT: Aye.
11	MR. MARVIN RAGLON: Aye.
12	CHAIRMAN CARY VAUGHN: All those opposed, say no.
13	Motion passed.
14	Next item is old business. We have none.
15	So the next item after that is new business.
16	First item is the approval of resolutions and
17	ordinances for City Commission meetings. First one is the
18	March 17, 2014 regular meeting, attachment two. This meeting
19	was from a March 3rd, 2014 meeting and had a ceremonial
20	resolution supporting the Lighthouse Forever Fund.
21	Is there any discussion on this resolution?

	04-30-2014 RTAB Hearing Revised MAC
22	I'd like to entertain a motion to approve all City
23	Commission resolutions from the March 17, 2014 meeting.
24	MR. MARVIN RAGLON: I so motion, Mr. Chairman.
25	MR. BRET WITKOWSKI: I'll support it.
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1	CHAIRMAN CARY VAUGHN: All those in favor, say aye.
2	MR. BRET WITKOWSKI: Aye.
3	MS. SHARON HUNT: Aye.
4	MR. MARVIN RAGLON: Aye.
5	CHAIRMAN CARY VAUGHN: All those opposed, say no.
6	Motion passed.
7	The next item on the agenda is the April 7, 2014
8	regular meeting. This meeting included the March 17, 2014

Page 8

9	meeting, a resolution required by MDOT to secure a
10	right-of-way use permit and the appointment of a district
11	library study committee, as well as a resolution for
12	political activity.
13	Any discussion on the meeting minutes in question?
14	MR. BRET WITKOWSKI: No.
15	MR. MARVIN RAGLON: None.
16	CHAIRMAN CARY VAUGHN: I'd like to entertain a
17	APRIL motion to approve all City Commission resolutions from March
18	7, 2014 meeting with the exception of the resolution
19	regarding political activity.
20	MR. BRET WITKOWSKI: I'll make that motion.
21	MR. MARVIN RAGLON: I second.
22	CHAIRMAN CARY VAUGHN: Any further discussion?
23	MR. BRET WITKOWSKI: Just I know part of the reason
24	was they didn't go through the city attorney to get language Page 9

25 approved.

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1	MR. DARWIN WATSON: That's correct. In the
2	resolution it refers to those things so deemed by the
3	attorney. And that resolution came from the floor. It never
4	went through the the attorney has not seen that at all.
5	MR. R. ERIC CLINE: Mr. Chairman, also in our
6	review we have some concerns that this resolution may
7	conflict with one of the emergency manager orders. So it
8	really would not be applicable or perhaps even appropriate

And also the city, by our research, addresses the

for this board to approve it.

11	same activity in its employee handbook, and also has that
12	topic covered in the council, or excuse me, City Commission
13	Rules of Procedure. And they could potentially be in
14	conflict with one another.
15	But as it has not been vetted by the city attorney
16	we don't feel from a staff perspective that it would be
17	appropriate for the board to approve it at this time.
18	MR. BRET WITKOWSKI: And that I assume with the
19	employees, that would include union and nonunion?
20	MR. R. ERIC CLINE: As I understand, they may have
21	just one employee handbook. We asked the city for a copy of
22	the appropriate section, and it just said Employee Handbook.
23	MR. BRET WITKOWSKI: Okay.
24	MR. R. ERIC CLINE: I would assume that would be
25	all inclusive then.
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1	7	MR. BRET WITKOWSKI: Okay. I'm fine with it.
2 .	(CHAIRMAN CARY VAUGHN: Any further discussion?
3	Okay.	
4	,	All those in favor, say aye.
5		MR. BRET WITKOWSKI: Aye.
6		MS. SHARON HUNT: Aye.
7		MR. MARVIN RAGLON: Aye.
8		CHAIRMAN CARY VAUGHN: All those opposed, say no.
9		The motion to approve all City Commission
LO	resolution	APRIL s from March 7, 2014 meeting with the exception of
11	the resolu	tion regarding political activity has passed.
12		The next item for discussion is the resolution
13	regarding	political activity. We had some discussion about Page 12

04-30-2014	RTAB	Hearing	Revised	MAC
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14	that.	Τs	there	anv	further	needed	discussion?
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15	I would entertain a motion to deny the resolution
16	regarding political activity due to a lack of review by the
17	city attorney, and consistency with the City of Benton Harbor
18	Employee Handbook, and consistency with the City Commissions
19	Code of Conduct and Ethics, and Nonconformance With Emergency
20	Manager Order 14-31.

- 21 MR. BRET WITKOWSKI: I'll make that motion.
- 22 CHAIRMAN CARY VAUGHN: Is there a second?
- MS. SHARON HUNT: I'll support it.
- 24 CHAIRMAN CARY VAUGHN: Okay. Further discussion?
- 25 All those in favor, say aye.

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1	MR. BRET WITKOWSKI: Aye.
2	MS. SHARON HUNT: Aye.
3	MR. MARVIN RAGLON: Aye.
4	CHAIRMAN CARY VAUGHN: All those opposed, say no.
5	Motion passed.
6	The next item I just want to remind folks that
7	came in recently that if you wanted to have a public comment,
8	you have to sign the sheet on the front or you won't be
9	recognized. And you can sign that any time before that
10	public comment time transpires.
11	The next item is City Manager Items. The first one
12	would be budget amendment procedures.
13	Mr. Watson, you wanted to bring something to the
14	board?
15	MR. DARWIN WATSON: Thank you, Chairman.

04-30-2014	RTAB H	learing	Revise	ed MAC		
The qu	uestion	I have	is mo	re of	a	clarification

There are, understanding that the emergency manager upon his
exit has set the budget in place, we're looking for more
procedural clarification in the fact that if we need to move
 dollars from line item to line item within the same
department, how, do we need to bring that to the commission
and then go to the RTAB? Or can we do that and then submit
it as an update? Even though, because it won't change the
bottom line? So I'm just getting procedural clarity on this.
CHAIRMAN CARY VAUGHN: I have your Attachment Five
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- in hand where you have the March budget and actual figures
- there, and I'll just reference the categories on that.

04-30-2014 RTAB Hearing Revised MAC MR. DARWIN WATSON: Okay.

4	CHAIRMAN CARY VAUGHN: You can move line items
5	within departments. So if you have city clerk in collections
6	and you have sub-accounts in city clerk, you can move those
7 7	around.
8	MR. DARWIN WATSON: Okay.
9	CHAIRMAN CARY VAUGHN: But you wouldn't be able to
10	move money from city clerk in collections to city assessor,
11	for example.
12	MR. DARWIN WATSON: Got you.
13	CHAIRMAN CARY VAUGHN: So you can't go from
14	department to department, or some folks would say activity to
15	activity without coming through the RTAB.
16	MR. DARWIN WATSON: Understood. That's what I
17	needed clarity on.
10	CHATDMAN CARY VALIGHN. OKAV

Page 16

19	MR. DARWIN WATSON: Thank you.
20	CHAIRMAN CARY VAUGHN: The next item is the CROP
21	Walk.
22	Mr. Watson, can you explain the CROP Walk to the
23	board, please?
24	MR. WATSON: The CROP Walk is an annual event that
25	has been going on now for 34 years here in the City of Benton
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Harbor and St. Joe collaboratively. They came to acting

deputy -- I mean Acting Public Safety Director Dan McGinnis,

outlined the route. The route is the same as it has always

been, and then Mr. McGinnis then subsequently met with me,

made the recommendation.

Page 17

6	I brought it to the Commission for their approval.
7	It was tabled for the purposes of a, for the lack of someone
8	not being here to explain it.
9	Understanding that time is of the essence because
10	they're looking to secure the approval so that they can setup
11	people that they need to secure for having the walk, as well
12	as this is a 34-year old reoccurring, and has been approved
13	year after year without a hitch.
14	I'm asking the RTAB to approve this so we can get
15	their get that to them and then have it so they can have
16	the things that they need to hold the Walk.
17	CHAIRMAN CARY VAUGHN: Okay. Any questions from
18	the board?
19	MR. R. ERIC CLINE: Mr. Chairman, I just want to
20	clarify one thing here that staff looked at this, and because

21	04302014 RTAB Hearing Revised MAC the City Commission has not taken action on this, it would be
22	very difficult for the RTAB to approve it without their
23	input.
24	However, given that time is of the essence on this
25	issue, because of the way our next meeting falls, the event

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will have already taken place, we believe that it would be
appropriate for the RTAB to grant sort of a pre-approval

provided that the terms and the conditions of the event do
not deviate significantly from what the city manager

indicated that they were, as he presented the idea to the

City Commission; and provided that the City Commission also
approves of the event.

8	I think that would sufficiently address the issue
9	from our perspective, and not needlessly delay things. But
10	we want to ensure that the City Commission has an opportunity
11	to weigh in on it and we want to ensure that the terms are
12	consistent with the information we've already been given.
13	CHAIRMAN CARY VAUGHN: Okay.

MR. R. ERIC CLINE: So if the board deems fit, I think that would be an appropriate avenue.

MR. BRET WITKOWSKI: My only concern is I know we met last month, our job was to be reactionary, and not proactive. And I'm not sure if we're stepping into the realms of being proactive on this. And I've lived here my whole life, the CROP Walk goes by my house, so it's nothing to do with that. I'm looking at other issues, are we going to be faced with having to make choices of being proactive or reactive. To me this is more of a proactive rather than

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24	reactive.

25		If	it's	good	enough	for	this	, ther	it	should	be
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- good enough for something in the finance -- that's the slope
- I want to make sure we're not going down to.
- 3 CHAIRMAN CARY VAUGHN: Because we want to know that
- 4 the city should be aware of RTAB meeting dates and deadlines.
- 5 Postponement of actions by the city will add approximately
- one month to the approval process, so they should be aware of
- 7 that when they're making their activities known.
- 8 MR. BRET WITKOWSKI: Again, Darwin, the City
- 9 Commission, and I apologize, I'm going to ask you to repeat
- 10 yourself, has not talked about or you have talked about?
 Page 21

11	MR. DARWIN WATSON: It went through committee. It
12	was presented to the parks and recreation committee which was
13	the second Wednesday in this month. Consensus was given at
14	that time to go to the City Commission for approval
15	MR. BRET WITKOWSKI: Right.
16	MR. DARWIN WATSON: on the subsequent Monday, I
17	think the 17th.
18	MR. BRET WITKOWSKI: Okay.
19	MR. DARWIN WATSON: And then it was tabled because
20	there was no one here
21	MR. BRET WITKOWSKI: Okay.
22	MR. DARWIN WATSON: to present the item from the
23	CROP Walk's perspective.
24	MR. BRET WITKOWSKI: Sure.
25	MR. DARWIN WATSON: Even though the people had come

1"	in, representatives of the CROP Walk organization had come in
2	and talked with Mr. McGinnis, talked with myself, we were
3	okay with it, based on our recommendation to the Commission.
4	MR. BRET WITKOWSKI: Is our board even supposed to
5	be getting involved in these types of issues? To me this has
6	very little to do with the function of the city, whether it's
7	financial or otherwise. To me this is kind of an in and out
8	type of situation that I didn't view that this board would
9	get involved with.
10	If it meant financial stress on the city, providing
11	police, I get that. But to me this is something, like you
12	said, Darwin, that's been going on for 34 years. I don't

Page 23

	04-	30-2014	RTAB	Hearing	Revised	MAC
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L4	CHAIRMAN CARY VAUGHN: I think that's true, but our
L 5	Board would pass or deny various resolutions that the city
16	did, so if we were going to blanket pass a meetings activity,
17	we would be including necessarily some of those other items
18	in there. And I don't think they can go forward with
L 9	something like this without the approval of the RTAB, so
20	that's why they need our approval in advance.
21	MR. MARVIN RAGLON: Are there any special permits
22	required? And if so, have they been obtained?
23	MR. DARWIN WATSON: There are no special permits
24	required. They're asking just for approval of the date, the
25	route, and the time to have the event. They're coordinating

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1	everything. They met with Mr. McGinnis to just identify, you
2	know, where we're going to be going. We're not going to be
3	impeding or closing any streets. It's more formality than
4	anything else.
5	MR. MARVIN RAGLON: And there is no variance as
6	compared to the other 33 years?
7	MR. DARWIN WATSON: It has been pretty much the
8	same route forever.
9	MR. MARVIN RAGLON: Okay.
10	MR. BRET WITKOWSKI: I don't want to have anything
11	done at this board that would hurt the CROP Walk because it
12	does a lot of good for the community.
13	I guess with that I would ask that in the future
14	this board not be put in that type of situation. There is
15	always exceptions to every rule, but I just don't want to set Page 25

16	a precedence where we're having to deal with other issues
17	that would have a far-reaching effect, that we feel we're
18	having to be the proactive rather than the reactive.
19	MR. DARWIN WATSON: I appreciate that.
20	MR. BRET WITKOWSKI: So with that said, I'd be
21	happy to make the motion if that's what you need.
22 .	CHAIRMAN CARY VAUGHN: Let me spell it out.
23	I'd like to entertain a motion to grant
24	pre-approval for this event providing that the City
25	Commission approves the event, any required permits are
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1 obtained, and the details of the event do not conflict with

2	04-30-2014 RTAB Hearing Revised MAC the terms and conditions outlined in the April 15, 2014
3	memorandum on this issue from the City Manager to the City
4	Commission.
5	MR. MARVIN RAGLON: I so motion.
6	MS. SHARON HUNT: I second.
7	CHAIRMAN CARY VAUGHN: Further discussion?
8	All those in favor, say aye.
9	MR. BRET WITKOWSKI: Aye.
10	MS. SHARON HUNT: Aye.
11	MR. MARVIN RAGLON: Aye.
12	CHAIRMAN CARY VAUGHN: All those opposed, say no.
13	Motion passed.
14	The fourth item on the agenda is nonaction items,
15	the monthly financial report.
16	Mr. Watson, do you have any information to give us
17	on that?

18	MR. DARWIN WATSON: The I provided to the Board
19	the budget to actuals that were requested at the initial RTAB
20	meeting. There is nothing additional to add unless there is
21	some questions coming from the RTAB. And Ms. Lundquist is
22	here as well, the finance director.
23	CHAIRMAN CARY VAUGHN: It's my understanding that
24	this is a two-year budget, it's part of that two-year

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process.

MR. DARWIN WATSON: Correct, for fiscal year 2015

and fiscal year 2016, the budget has been set. Yes.

CHAIRMAN CARY VAUGHN: Okay. And prior to our

coming on board there haven't really been any amendments,

Page 28

- 5 this is the final amended version then?
- 6 MR. DARWIN WATSON: Yes.
- 7 MR. BRET WITKOWSKI: I have a couple questions, if
- 8 I could, just on the year-to-date numbers, which look great.
- 9 It's nice to see a nice healthy surplus for the city.
- Just on the revenue sharing side, I see -- and,
- Darwin, you or Jody are welcome to answer, I see it's at 50
- 12 percent of what you expected, and with only April, May and
- June, do you anticipate that other 800 thousand dollars?
- MS. JODY LUNDQUIST: There is a lagging difference.
- 15 It's the timing of when we actually receive their pay
- bimonthly, so then we actually receive the June 30 payment in
- 17 August.
- MR. BRET WITKOWSKI: In when?
- MS. JODY LUNDQUIST: In August.
- MR. BRET WITKOWSKI: Okay. Is that when you get Page 29

21	the two payments, back to back months, like July and August?
22	I thought there was two months a year. I was just curious
23	because it will have a big impact.
24	I'm assuming the donations of 200,000 is the
25	Whirlpool portion, and that comes in before June 30th then?
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- 1 MS. JODY LUNDQUIST: Yes.
- 2 MR. BRET WITKOWSKI: The only other thing I didn't
- 3 see, is there a fund for the retirement account from the
- 4 millage?
- MS. JODY LUNDQUIST: That's reported in the -- yes,
- 6 in the retirement fund.

7	04-30-2014 RTAB Hearing Revised MAC MR. BRET WITKOWSKI: Okay. I know that was a huge
8	issue a number of years ago. I just want to make sure for
9	me, if you don't mind including that.
10	MR. DARWIN WATSON: Okay.
11	MR. BRET WITKOWSKI: Because if I remember looking
12	back in history there was a number of years that money neve
13	got moved in to retirement and I want to make sure that
14	MR. DARWIN WATSON: We'll make sure that's
15	MR. BRET WITKOWSKI: for me personally, I want
16	to make sure it's moved from the tax account to the
17	retirement account.
18	Other than that, good job. It's nice to see
19	surpluses in the accounts. And local streets never runs a
20	surplus. There isn't any community that runs a surplus in
21	that.
22	MR. DARWIN WATSON: I wish we could, but it's the
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1	MR. DARWIN WATSON: There is a couple of factors,
2	20 percent is what you can transfer. The if we get into
3	the asset management, and get it approved by the state, we
4	can transfer any surplus then into, up to 100 percent into -
5	yeah.
6	MR. BRET WITKOWSKI: Oh, wow, in to local?
7	MR. DARWIN WATSON: Yes, but it has to be for
8	maintenance activities.

Page 32

MR. BRET WITKOWSKI: Well that's good to know. But

10	good job. It's nice to see those numbers.
11	CHAIRMAN CARY VAUGHN: Any further discussion?
12	MR. MARVIN RAGLON: None from me.
13	CHAIRMAN CARY VAUGHN: Thank you, Mr. Watson.
14	MR. DARWIN WATSON: Thank you.
15	CHAIRMAN CARY VAUGHN: I'd like to entertain a
16	motion to receive and file this report?
17	MR. BRET WITKOWSKI: I'll make that motion.
18	MS. SHARON HUNT: Second it.
19	CHAIRMAN CARY VAUGHN: All those in favor, say aye
20	MR. BRET WITKOWSKI: Aye.
21	MS. SHARON HUNT: Aye.
22	MR. MARVIN RAGLON: Aye.
23	CHAIRMAN CARY VAUGHN: All those opposed say no.
24	Motion passed.
25	This is the time for public comment. We did not

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1	get anybody to sign the public comment sheet, are there any
2	last takers that would like to sign the public comment sheet?
3	There being none, we'll move to Board comment.
4	I would like to bring to your attention the, a full
5	copy of the RTAB Agenda Packet including attachments will be
6	available at all RTAB meetings for public viewing. If any
7	one would like to request a copy of the attachments, they
8	should contact the city manager's office.
9	Is there any other Board comments?
10	MR. MARVIN RAGLON: None.
11	MR. BRET WITKOWSKI: The only thing I want to bring

up is we had a report through the county on the growth of the
taxable value of Berrien County by the 39 communities. And
other than Lake Township, which has a nuclear plant which is
going through major renovations, the City of Benton Harbor
 had a huge growth of like 12 percent, which is, by far, other
than Lake Township, is by far the second biggest growth.

Benton Harbor. And our equalization department has a copy of those reports if you want to see them. It's a combination of personal and real property. But what was real encouraging despite all the demolitions that have gone on in the city, the real, the SEV value of real property went up, homesteads. So I thought that was very encouraging for the city.

CHAIRMAN CARY VAUGHN: Thank you.

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1	Anything further?
2	I entertain the motion to adjourn.
3	 MR. BRET WITKOWSKI: I'll make that motion.
4	CHAIRMAN CARY VAUGHN: Second?
5	MR. MARVIN RAGLON: Second.
6	CHAIRMAN CARY VAUGHN: All those in favor, say aye.
7	MR. BRET WITKOWSKI: Aye.
8	MS. SHARON HUNT: Aye.
9	MR. MARVIN RAGLON: Aye.
10	CHAIRMAN CARY VAUGHN: All those opposed, say no.
11	Meeting is adjourned at 11:20.
12	(Proceedings adjourned at 11:20 a.m.)
13	
14	

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3	
4	STATE OF MICHIGAN)
5) SS
6	COUNTY OF BARRY)
7	
8	I certify that this transcript, consisting of 21
9	pages, is a complete, true and correct record of the Meeting
10	held on April 30, 2014.
11	
12	
13	DATE: May 4, 2014
14	
15	
16	MARJORIE A. COVEY, CSR-2616
	141 East Michigan Avenue, Suite 206
	Page 38

17	04-30-2014 RTAB Hearing Revised MAC Kalamazoo, MI 49007		
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18			
	Notary Public Expires: October 14, 2014, Barry		
19	County, Michigan/Acting in the State of Michigan.		
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