

Benton Harbor City Commission votes to sell part of Jean Klock Park

By LYNN STEVENS / H-P Staff Writer | Posted: Tuesday, June 3, 2003 12:00 am

BENTON HARBOR -- City commissioners voted 6-3 Monday night to allow the sale of 3.8 acres of Jean Klock Park for development of 28 luxury houses.

Commissioners Etta Harper, Hurley Wallace and Dillon Barnes voted against the sale.

Commissioners Ralph Crenshaw, Ricky Hill, Leroy Harvey, Joan Brown and Steven McCoy and Mayor Charles Yarbrough voted for it.

Before the vote, McCoy asked whether it would merely commit the city to making the sale, or if it included specific terms.

City Manager Joel Patterson assured him the vote only committed them to selling the 100-foot strip along Grand Boulevard. He said contract terms have not been completed. When they are, the contract will go before commissioners for a vote.

However, the resolution's wording refers to a development agreement negotiated by Patterson and the development company, and authorizes Patterson, the city clerk, the city attorney and the mayor to sign it.

The resolution says the agreement limits Grand Boulevard Renaissance L.L.C. to developing 3.8 acres of the park. The attached map shows individual lots hugging 1,450 feet along Grand Boulevard. The agreement allows for an initial payment of \$500,000 "which (the resolution reads) will enable to city to reduce its deficit" and 5 percent of the proceeds from the development will fund improvements in Jean Klock Park.

Again this week, the Lula Lee Commission Chambers were packed with people interested in the Klock Park sale.

Yarbrough asked them to limit their comments to 2 minutes each, in order to allow time for all the people who wanted to speak.

The first citizen speaker, Scott Elliott, who owns the New Moon Gallery in the city's Arts District, asked for more time to complete his remarks. He continued reading as Yarbrough repeatedly banged his gavel and told him time was up.

Yarbrough asked a police officer to remove Elliott from the chamber at the end of his reading.

Elliott said, in part, "Unless a miracle occurs ... I expect that we are about to witness a tragic mistake of historic proportions. The Benton Harbor City Commission is literally about to sell its integrity, its obligation to the people of Benton Harbor and future generations, and an irreplaceable part of the city's most precious asset - its waterfront - down the river. ...

"I don't know whether you have the legal right to sell this land or not - and I doubt if any of you do, either. But just because something is legal doesn't make it right. ...

"If you can't do the right thing, for heaven's sake at least get the right price. I urge you to delay this action at least until you can determine what that is."

Several others shared his sentiments.

Retired Berrien Trial Court Judge Ronald Taylor told commissioners that he spoke in his role as an attorney representing several people opposed to the land sale.

He read an excerpt from a City Commission meeting of May 7, 1917, at which commissioners pledged to maintain the park for bathing beach, park purposes or other public purposes and that the park shall be open at all times for the use and benefit of the public.

"I'd like to see how Mr. Ammeson (Charles Ammeson, a lawyer and real estate developer in the project) explains his way around this," Taylor said.

"Those are not the words of this City Commission, judge," Yarbrough said.

"I would like to know how the city proposed to get around its own resolution," Taylor responded.

Yarbrough thanked him for his comments, but did not reply.

Bob Burkholtz, who lives in Benton Township, said he received a letter suggesting people interested in saving the 3.8 acres create a \$500,000 fund to pay the city to leave it alone. Burkholtz got applause when he proposed establishing such a fund at a bank.

When the public comment period ended, commissioners had their say.

"When we needed jobs, nobody was down here clapping, saying 'I'm going to establish some of those,'" Commissioner Ricky Hill said. "We never got people marching down the street saying, 'Let's save Benton Harbor!' when it was down and out. We never got an outcry when our children were in trouble.

"I think sand and wetlands are more important to you than human life.

"I think it's a good plan. First, people won't even see it from the beach. Second, it'll bring in revenue to build up our neighborhoods."

Commissioner Ralph Crenshaw agreed. Crenshaw said, "When we look at this audience - where have you been? Every problem of Benton Harbor is a problem of the county. I sat on the hospital board for years. Their concern was to move the hospital out of Benton Harbor so St. Joseph residents could have better access. They didn't care about Benton Harbor residents' access.

"How many of our children don't have summer jobs? Are you concerned about that? Step up to the plate. Help us become a world-class community where no one is left behind. When you do that, I will join you."

Yarbrough promised the city would maintain the park as the 1917 agreement required: open to the public.

"Some of you may have to remove your 'Private Beach' signs," he said. "Those days are gone."

Commissioner Etta Harper said she remembered how much her grandparents enjoyed running over sand dunes with her and her siblings and cousins from out of town.

She said she would like to do that with her grandchildren, but she worried the development might stop them. She reminded commissioners that within the past year, they had to deal with another Allegretti Architects development along Grand Boulevard at which residents wanted to put up a gate.

The gate was not part of the development plan, and McCoy reminded her the commission had forbidden it. But Harper said she worried the new development might restrict public access to the north end of the beach.

Commissioner Dillon Barnes said, "I would support this if I saw a sense of unity (from the commission). What are we going to do with the revenue (from the sale)? ... I think there are other things we can do to increase city revenues. I just cannot support this."

Commissioner Hurley Wallace said after the vote that he had made up his mind against the sale. He did not explain his reasons. But he thanked the audience for attending the meeting.

"You're showing interest," Wallace said.

"If you keep coming, sooner or later you're going to say something that will help us. You are welcome to come back."