

Whitman Rezoning Appendix of Documents

- 1) A) Walt Wilburn from Costello decision that Wilburn testimony is that C1, C2 and C3 can all meet definition of "local commercial" in master plan designation. B) Deposition December 23, 2009 page 5 duties are Chief Executive officer and spokesperson for township. C) Deposition December 23, 2009 page 27- C1, C2, and C3 can all meet local commercial designation of master plan. D) December 2, 2008 Township Board meeting transcript page 68 where impact of C-3 is just "gas stations, tire stores, thing like that that can't be built unless there is C3.
- 2) Larry O Dell December 2, 2008 Township Board meeting transcript pages 54-55. "there are very, very, very few exceptions in the differences between C2 and C3. Gas stations can be placed on a C3. A vet hospital could be placed on a C3. Walmart could be placed on C2"
- 3) Paul LeBlanc Deposition December 23, 2010. A) Page 21-22-"taking existing C2 and rezoning it to C3; that seems reasonable to me" B) Page 57-"the C2 district for all practical purposes is the same as C-3" C) Page 64- For all practical purposes it's not much different than running C3 all the way up to the RME and RM2 boundaries." Page 70- C3 uses are not automatically deleterious to the vicinity.
- 4) Copy of Settlement Drawing on western portion of parcel with 121 feet shown as buffer between C-3 commercial and existing residential.
- 5) A) Bedfordwatch Déjà vu flyer last paragraph of the second page "Bedfordwatch plans to vigorously oppose any approval of this application. Should the township board approve the Whitman request, in part or in whole, a call for referendum by Bedfordwatch is likely" B) Open letter where on page 2 zoning restrictions on commercial offices in residential homes does not matter to them. Planning commission member Dennis Steinman broke laws for years. C) minutes from bedfordwatch meeting Judge Costello ordered them to provide Whitman Ford where they discuss "planning created an indefensible situation in leaving middle piece R2A. They admit PBO next to residential done right seems to be OK. Yet they opposed in the referendum what they privately admit is OK. D) letter from Jim Goebel to bedfordwatch at home of Kevin Tracy before the vote on December 2, 2008 where he tells them I am basically a greedy pig.
- 6) Whitman Rules

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MONROE

WHITMAN FORD,
a Michigan corporation,

Plaintiff,

v.

File No. 09-27523-CH
Hon. Joseph A. Costello, Jr.

TOWNSHIP OF BEDFORD,
a municipal corporation,

Defendant.

Thomas M. Hanson (P62725)
DYKEMA GOSSETT PLLC
Attorney for Plaintiff
1717 Main Street, Ste 4000
Dallas, TX 75201
(214) 462-6420

Philip D. Goldsmith (P37650)
LENNARD GRAHAM & GOLDSMITH, P.L.C.
Attorneys for Defendant
222 Washington Street
Monroe, Michigan 48161
(734) 242-9500

ORDER OF JUDGMENT

At a session of said Court, in the
City of Monroe, State of Michigan,
On the 28th day of January, 2011.

Present: Hon. Joseph A. Costello, Jr., Circuit Court Judge.

This matter having come before the court on the Complaint of the Plaintiff seeking relief against the Defendant, Township of Bedford; the Plaintiff, Whitman Ford, a Michigan corporation, appearing by and through its attorney, Thomas M. Hanson; the Defendant, Township of Bedford, a municipal corporation, having appeared by and

Mr. Walt Wilburn

Mr. Walt Wilburn is the Supervisor for Bedford Township. He acknowledged that Bedford Township had been "hit hard by the recession" and that "revenues were down" through the loss of businesses and little economic development. He stated that the "Local Commercial" designation is the "only stand-alone commercial designation" listed in the Master Plan. (Plaintiff's exhibit 26, page 95). He further indicated that "local commercial" within the definition of "Mixed Residential/Office/Commercial" coincides,

#1 A
¹³ Although Mr. Jenkins claimed that Mr. Whitman had not objected, Defendant's Exhibit Q reflects that his attorney did lodge an objection at the public meeting on January 20, 2009. Mr. Walt Wilburn also testified that the Plaintiff did object to the Township's application for rezoning.

¹⁴ The citizens group known as "Bedford Watch" submitted an amendment to No. 44A, a zoning ordinance amendment. The Township Board did not adopt it, nor was it supported by Wade Trim. (Plaintiff's Exhibits 21, 22, and 23).

8

and that "C-1, C-2, and C-3 would all fit" and permit a large scale retail store. Referring to Mr. Young's letter and report dated August 13, 2008, he disagreed with the following statement,

"The proposed rezoning would provide an effective land use transition from the existing single-family residential subdivision to the west to the more intensive commercial portions of the site along Lewis Avenue." (Plaintiff's Exhibit 7, page 5)

Mr. Wilburn indicated that he "did not want to see" any residential property next to commercial property as it "is not transitional." He still believes that the approved rezoning of the subject property is correct and that the proposed rezoning of the center parcel (parcel 6) was properly denied. He would like to see more of a buffer between the RME and RM2 lots.¹⁵ He recognized that the center parcel created an island (Plaintiff's Exhibit 11) and sought to rezone it to PBO (a "win-win" for everyone) but dropped the application (Plaintiff's Exhibits 13 and 46) in light of the expected lawsuit and the intervening referendum. He had focused on the zoning issue and not the possibility of a big box store (i.e., Wal-Mart).

3

1 Q. You are currently Bedford Township Supervisor,
2 correct?

3 A. Yes.

4 Q. Is that your full-time occupation?

5 A. Yes.

6 Q. How long have you been the Bedford Township
7 Supervisor?

8 A. Five years.

9 Q. You were elected in 2004?

10 A. Yes.

11 Q. What are some of your duties as the township
12 supervisor?

13 A. Chief executive officer of the township,
14 spokesperson for the township. I run board meetings, oversee
15 planning, building, assessing, ordinance, and a lot of the
16 general day-to-day duties. Meet with different people, talk
17 to them about things that might be happening in the
18 community. Go out and do things, speak to seniors, stuff
19 like that.

20 Q. How about finances, does your job include --

21 A. Yes, I, part of, I have, we have a Budget
22 Committee, and I'm part of the Finance Committee, too.

23 Q. We were just talking before the deposition about
24 the recession. What in your estimation has been the impact
25 of the recession on Bedford Township's finances?

#1B

4

1 property the opportunity to serve more than just a local
2 market?

3 A. No.

4 Q. You don't believe the Master Plan prohibits that?

5 A. No.

6 Q. Would you agree with me, well, let me step back and
7 ask your level of familiarity with the commercial zoning
8 classifications. I'm not talking about the Master Plan now.
9 I'm talking just the zoning ordinance.

10 A. C-1, C-2, C-3?

11 Q. Yes.

12 A. Yes.

13 Q. Would you agree with me that any of those zoning
14 classifications might fit within the local commercial
15 designation in the Master Plan?

16 A. Yes.

17 Q. Going back to the mixed office residential
18 commercial Master Plan designation, would you agree with me
19 that Bedford Township doesn't have a single stand alone
20 zoning district that fits into that Master Plan designation?

21 A. I'm not aware of that.

22 Q. Does that mean you're not aware of any, or you just
23 don't know off the top of your head?

24 A. I don't know off the top of my head.

25 Q. Fair enough. As the Master Plan updating process

#1C

5

vote. Okay. So is there any other discussion? If there is none, Mr. Schockman, please take the roll.

MR. SCHOCKMAN: Mr. O'Dell?

MR. O'DELL: Aye.

MR. SCHOCKMAN: Mr. Goebel?

MR. GOEBEL: Aye.

MR. SCHOCKMAN: Ms. Meyer?

MS. MEYER: Aye.

MR. SCHOCKMAN: Mr. Francis?

MR. FRANCIS: Respectfully, no.

MR. SCHOCKMAN: Ms. Hurley?

MS. HURLEY: Aye.

MR. SCHOCKMAN: Schockman votes aye. Mr. Wilburn?

MR. WILBURN: Aye. The parcel as described as number six from R2A to C2 is denied. Is there anything else? I would like to make comment to the public here before everybody leaves. A lot of time and effort -- a lot of time went into this. I don't want anybody -- I would really appreciate it if no one here walks out of here thinking that this has been an easy thing to do. There is a lot of things that had to be looked at here. It had nothing to do with why we -- you know, we can't look at what the empty structure is going to do. The law doesn't allow us to do that. I just want to -- I'm just trying to let you know where we're coming from and I think you all know me well

enough to know that I speak the truth.

There is certain things we can look at when we have these requests in front of us. There is certain things we can't look at. We looked at everything we possibly could. We did find that the R2A did not -- the C2 did not constitute a buffer from the Indian Acres. That was one thing we felt we could hang our hat on for sure.

Now years ago, a couple years ago and I have several friends in here that were at the same place I was. We were in Court. We were not there because we were there to win a Walmart lawsuit. That is not what took place. We were there because there was a mistake made on our map about 10, 12 years ago. No one caught it. It was finally discovered when the Whitman's came in and asked for a rezoning. Actually, one of the people on Indian Road brought it to our attention and that never really happened so that's why we went to Court.

There was no zoning change. There never has been. There can't be a zoning change without public hearings, everybody in the area being notified with Township Board approval or disapproval. So that's the Court case that we won. The Judge said what happened, a mistake on a map does not constitute a zoning change. That's exactly what took place in that court room and I wanted everybody to know that.

#11

We have looked at this very closely and tried to decide the best way for Bedford Township. There was more to look at than just notes. There is things that C3 doesn't allow but it is not -- it's not -- it doesn't allow big impact. I mean it's just gas stations, tire stores, things like that that can't be built unless it is a C3 but other than that, there is C3 right across the street. I know that but we did note that we could probably hang our hat on the C2. So having said that, I spent, and I can probably vouch for the rest of the Board members up here as well as some people in the audience that I know very well. Doug Burman, Judy Frankowski, a lot of you people that live on Indian Road there has been a lot of sleepless going on in Bedford lately. Okay and I -- that's what I'm saying but anyway we're trying to do the best job we possibly can for the right reasons and I don't want to see this handed to me and I probably -- you know, I don't know what will happen now. I have a pretty good idea so I'd like to thank all of you for being so kind and courteous tonight. You will have another change to comment when we get done here.

Having said that we have now come to public comments. If there is anyone in the audience who would like to come forward and address the Board, please come up to the podium and give your name and address. Comments and questions must be addressed to the Chair. Public comment

8

MR. WILBURN: Okay. Okay. So we have -- is there any other discussion? There being none, Mr. Schockman, please take the roll.

MR. SCHOCKMAN: Mr. O'Dell?

MR. O'DELL: Yes.

MR. SCHOCKMAN: Ms. Hurley?

MS. HURLEY: Yes.

MR. SCHOCKMAN: Schockman votes yes. Mr. Goebel?

MR. GOEBEL: No.

MR. SCHOCKMAN: Mr. Francis?

MR. FRANCIS: Yes.

MR. SCHOCKMAN: Ms. Meyer?

MS. MEYER: No.

MR. SCHOCKMAN: Mr. Wilburn?

MR. WILBURN: Yes. The motion to change item number, or parcel number three as listed on our map on the board up here from R2A to RME is approved as presented by Mr. O'Dell. Thank you. Let's move to item number four.

#2
MR. O'DELL: Number four. We're taking these kind of in the order that that was recommend by the -- our own Planning Commission. Parcel four. I hereby move to rezone the portion of the Whitman property presently zoned C2 located at the southeast corner of the Whitman property containing approximately 3.59 acres to C3. And I might add that we had a lady come to the podium and talk about C2 and

C3. There are very, very, very few exceptions in the differences between C2 and C3. Gas stations can be placed on a C3. A vet hospital could be placed on a C3. Walmart could placed on a C2, okay?

UNIDENTIFIED AUDIENCE MEMBER: Not a 250,000 square feet --

MR. WILBURN: Okay, let's keep order please. We're doing good.

MR. O'DELL: Okay. For reasons that it was recommended for rezoning by the Bedford Township Planning Commission, Bedford Township Planning Consultant, the Monroe County Planning Commission and the Monroe County Planning department staff, for all the reasons cited in the written reports submitted by the Bedford Township Planning Consultant and its reasons cited by the Bedford Township Planning Commission in its motion to recommend approval for the rezoning and the reasons cited by the Monroe County Planning Commission in its recommendation for rezoning and the reasons cited by the Monroe County Planning Department in its written report recommending rezoning. And in addition, because the rezoning is consistent with the Master Plan and is compatible with the neighboring commercially zoned and used parcels along Lewis Avenue. I guess I would be looking for a second.

MR. WILBURN: That is your motion?

RAPID COURT REPORTERS, LLC
(734) 457-5944

1 Q. And I think I remember you testifying from your last
2 deposition that your advise to municipalities is
3 simply to consider all the uses that might be allowed
4 in a proposed zoning district?

5 A. Exactly. And that leads me back to the size of the
6 request, not knowing what could happen there.

7 Q. To try and make sure I've got your opinions right on
8 this; other than submitting a zoning proposal with a
9 specific use or site plan tied to it such as in a PUD,
10 would you disagree with any proposed commercial
11 rezoning of the Whitman parcel?

12 A. Any is pretty broad. I would object to this proposal.
13 If they came back with something else maybe, maybe
14 not.

#3A
15 Q. Well, I appreciate that any is pretty broad. You
16 know, but we're bigger than a breadbox, smaller than a
17 house, right?

18 What size, what portion of commercial zoning
19 would you regard as being in compliance with the
20 Bedford Township Master Plan desire for compact
21 zoning?

22 A. I think any, any request that conformed to the area
23 shown as commercial on the Master Plan I'd be hard
24 pressed to argue against; or, or taking existing C-2
25 and rezoning to C-3; that, that seems reasonable to

me.

1. many, if not most, of the same uses as C-3.

2 Q. I will refer you to the large drawing and I just
3 handed a copy to Mr. Goldsmith earlier today. We've
4 got two hundred and eighty-eight feet plus another six
5 hundred and eleven which I count as eight hundred and
6 ninety-nine between Indian Acres -- okay.

7 We've got two hundred and eighty-eight feet
8 plus six hundred and eleven feet between the two
9 proposed C-3 zones along Lewis and Indian Acres.
10 That's eight hundred and ninety-nine feet. Is that
11 amount of space not enough buffer between C-3 and
12 residential?

#3
B

13 A. Well, that's my point. The C-2 district for all
14 practical purposes is the same as C-3. Most of -- all
15 of the retail uses that you can put on C-3 you can put
16 on C-2 as well as many others. So I, I don't look at
17 that as a buffer of whatever you said, eight or nine
18 hundred feet from the residential, because I'm,
19 looking at where the C-2 line is.

20 Q. Okay. Just so I understand your point, Mr. Young's
21 talking about the C-3 request along Lewis Avenue and
22 you're saying that --

23 A. I think he's ignoring the -- he's considering C-2 as a
24 transitional use and I don't.

25 Q. All right. Let me, let me --

1 disagree on that point. I don't find that it is --
2 portions of the request are consistent with the Future
3 Land Use Map but I wouldn't find the whole rezoning.

4 And then again, the second part of that
5 paragraph I guess goes to what we were just discussing
6 and that is specifically the C-3 portion of the
7 request is adequately buffered. And while I have a
8 problem with the C-2 in between, certainly there is,
9 there is ample distance between the C-3 boundary and
10 the 2-A boundary.

11 Q. You would agree with me that there's certainly nothing
12 objectionable about a zoning pattern that goes C-3 on
13 the road, C-2 behind it, multi-family residential,
14 single-family residential?

15 A. Generally speaking, no. I don't find a problem with
16 that.

17 Q. In fact, isn't that sort of classic transitional
18 step-down zoning?

19 A. It is. It depends certainly on the ordinance and what
20 uses are permitted in the C-3 and the C-2 district;
21 and that's, that's one of the concerns I have here is
22 there isn't that much of a difference between those
23 two commercial districts. For all practical purposes
24 it's, it's not much different than running C-3 all the
25 way up to the, the RME and RM-2 boundaries. So from

#3

1 deleterious to the vicinity of the development,
2 correct?

3 A. That's correct.

4 Q. Do you believe that additional commercial development
5 on the property that's already zoned commercial would
6 be deleterious to the vicinity here?

7 A. Not --

8 Q. Speaking as a planner?

9 A. No. Not all commercial development in and of itself,
10 no.

11 Q. And how about all commercial development that would be
12 permitted in a C-3 district?

13 A. Are you saying any use that permitted C-3?

14 Q. I think one of the concerns you raised was this
15 expanded the C-3 district which has a more intensive
16 commercial use. I don't think it's your opinion, tell
17 me if I'm wrong, that C-3 uses are automatically
18 deleterious to the vicinity?

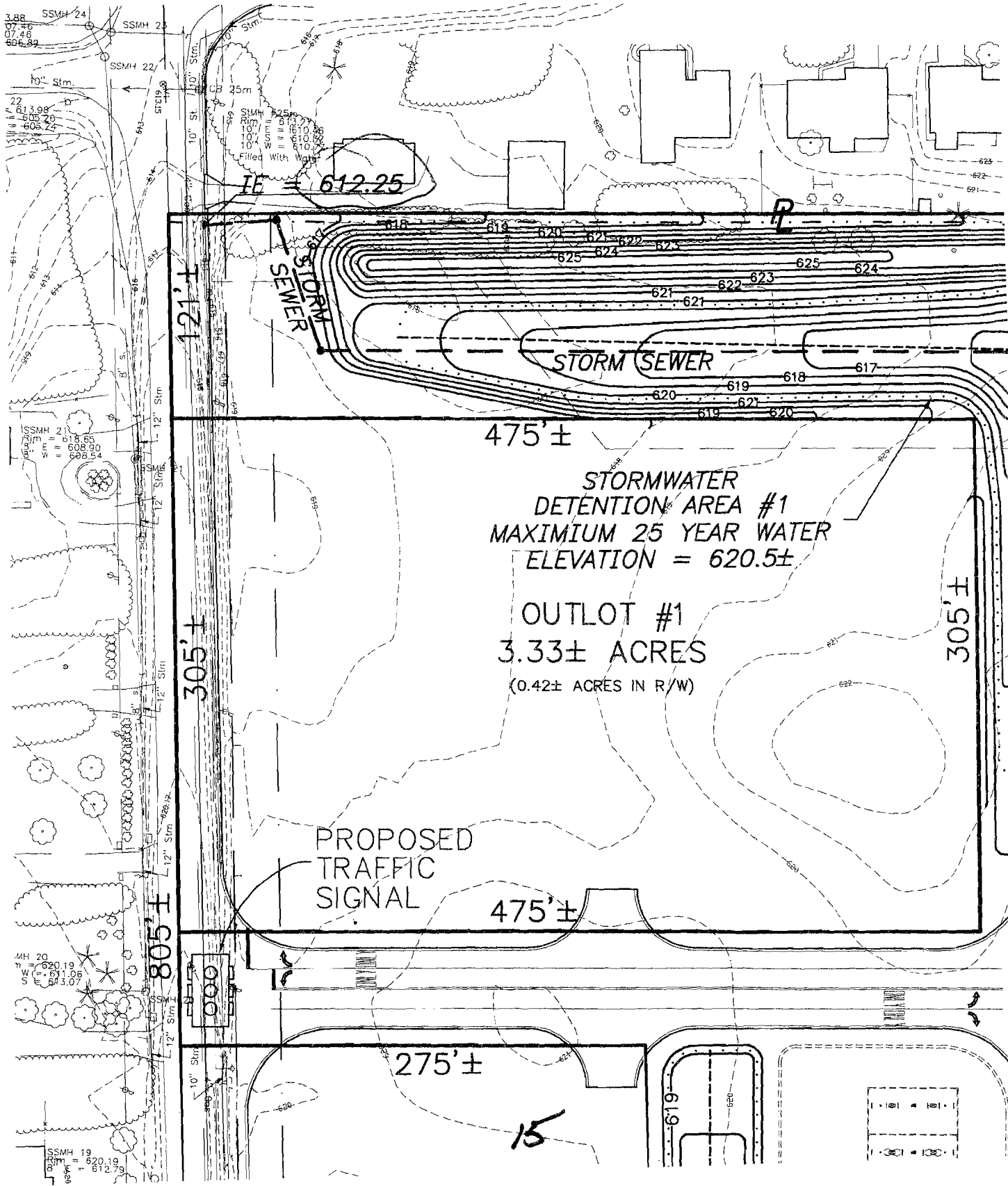
19 A. Not in and of themselves, no.

20 Q. If properly located along the appropriate thoroughfare
21 and appropriately buffered from residential uses, they
22 can actually provide a benefit, correct?

23 A. Sure.

24 Q. I think you testified you saw a number of vacant
25 storefronts in the area when you were down there,

#H



The Most Recent Whitman Ford Rezoning Request

(aka "Déjà vu All Over Again")

Whitman Ford has once again requested the rezoning of their property at the corner of Lewis Ave and Sterns Rd in Temperance, MI. As in the past, residents of Bedford Township are again fighting this proposal as they do not believe the request is consistent with the Bedford Township Master Plan and further assert the request is clearly not in the best interest of the township.

A public hearing on this matter is scheduled for 7:00 pm December 2, 2008 at the Bedford Government Center, 8100 Jackman Rd., Temperance, MI. A final decision by the Township Board is expected at that meeting. To reconfirm time and place, call (734) 847-6791.

Summary

This dispute has been ongoing for the last 7-8 years. Various attempts to rezone portions of the property from single family residential to commercial have been repeatedly denied. The most recent denial resulted in Whitman Ford's filing suit against Bedford. Bedford Township prevailed in all aspects of that lawsuit in 2007.

Most recently, in July, 2008, Whitman again applied for rezoning. The township's planning consultant, Wade Trim Associates, did an about face from its position on prior applications by Whitman Ford, as well as in testimony provided at the above mentioned trial, and recommended approval of this latest proposal. Despite issues raised by Bedford Watch and other residents, the Bedford Planning Commission recommended approval of 5 of the 6 lots as did the Monroe County Planning Commission, which followed suit. Please note that (a) County Planning rarely fails to support the Township's lead, and (b) the County Master Plan is 25 yrs old, woefully out of date.

The residents have made their concerns known to both commissions. These concerns center around the proposal's conflict with the Bedford Master Plan, and are heightened by the likelihood that a Walmart is planned (as has been the case throughout the long history of Whitman's efforts to rezone this parcel). Save for a modest acknowledgement at the county level, these concerns have neither been addressed nor have they been reconciled in any way.

Is there a deal? - It is disconcerting that the applicant, in its presentations, repeatedly makes claims to the effect that, "We have done everything you have asked", and that these statements have not been challenged.

Several years ago, township government leaders made a secret deal regarding a mobile home development. When this deal was discovered, public outcry caused it to

be reversed. Similarly, members of Bedford's Township Board quietly negotiated a tentative settlement of the above-mentioned lawsuit, which would have allowed a Walmart Superstore to be built on that site. This information slipped out at the last possible moment. Resultant public fury caused the Board to reject that settlement and caused the above mentioned lawsuit to go to trial.

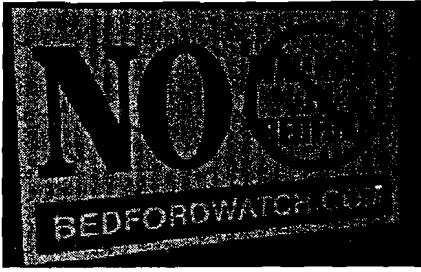
These memories, as well as the curious and unexplained turn this latest application has taken, begs very unpleasant questions such as:

- Who is the "you" in the applicant's statements that it has "done everything you have asked"? And, if there is a "you", by what authority did this person/persons supposedly commit the Township?
- Has there been another secret deal made?
- Was Wade Trim pressured to change their position this time around?

Compounding these concerns, the prevailing view in Township Hall is reported to be the fear that Bedford will again be sued by Whitman if this application is denied.

#5*
The vote by the Board is now scheduled for December 2, 2008. This reflects a delay from November 18th, at the request of Whitman. Bedford Watch has been told this delay was sought with the hope that the November election would result in a more favorably predisposed Board.

Bedford Watch plans to vigorously oppose any approval of this application, despite its disappointments to date. It has again garnered substantial community support for its fight. Should the Township Board approve the Whitman request, in part or in whole, a call for referendum by Bedford Watch is likely. Nor has litigation been ruled out.



#5 B

①

Bedford Watch

An open letter to Jon Whitman in response to your paid advertisement in Bedford Now on November 29, 2008:

We know that you will never address the real issues concerning the sale of your property such as our property values decreasing, an unbearable toll on our roads, documented increases in crime and no tax benefits of a big box store. That is why we have taken the time to address and study the real issues for the residents of Bedford Township.

Why have we done this? Because we think Bedford Township is a great place to live.

Bedfordwatch members have literally spent hundreds of hours of their time researching the sale of your property to a big box store and we have always felt that it would be in the best interest of this community to share the factual information with them. In fact, Judy Frankowski took an entire week off work in 2007, just so she could attend your trial in Monroe County.

There is not one improvement to Bedford Township that will come from a big box store at the corner of Lewis and Sterns. During a previous township board meeting a few years ago, you claimed, "I have a file cabinet full of offers from prospective buyers," yet you never proposed any other potential multiple uses for your land. Instead, you have repeatedly requested rezoning changes to better serve your needs, not ours.

The westernmost parcel of your land has always remained R2-A residential for over 35 years and the largest subdivision in Bedford Township that borders your property has been there for over 50 years. When your father purchased the property in 1973, it was R2-A. In the previous lawsuit that Bedford Township won, Judge Costello wrote: "Since the very beginning the western-most portion of the property was zoned residential. The township has remained *consistent* in maintaining this classification."

Meijer, if you remember correctly wanted to build a store at the corner of Secor and Smith nearby. It never happened because it was just too close to the residential neighborhoods that surround this property. Now Bedford Township has an asset in their community not a liability with the Summerlyn properties.

Anyone that has studied this issue like we have for 7 years will always come up with the same answers and when we witness the few people expressing their opinions to support a big box, they never bring up pertinent or important facts.

(2)

Here are the facts:

You criticized Judy Frankowski for her statement of "for me, it means losing the security and safety I now enjoy in my neighborhood." She made that statement because she is 100% correct in her assessment.

We have documented over 741 crimes at the Wal Mart on Central Avenue in Toledo in the past 5 years. We have also recently documented another 60 serious crimes that took place in the parking lot of Wal Mart.

It doesn't matter to us what crimes take place inside or in the parking lot of a big box store, it still takes a police officer an average 2-6 hours to process *any* crime. That means less protection on the neighborhood streets from our police force. Less protection if someone tries to break into our homes or commit a serious crime in our neighborhoods.

A 15 million dollar big box store will only contribute \$3,000 a year to our police department, that is the equivalent of adding one police officer for 75 man hours per year- or one police officer for less that 2 weeks on patrol in the township. We would much rather have one of our 10 police officers patrolling the Bedford Township neighborhoods than having it parked in front of a Wal Mart responding to any crime.

If 76,000 more cars and trucks enter our township on a weekly basis, then at least 76,000 more people will enter our township on a weekly basis. That means ten police officers now have to police over 108,000 shoppers and residents on a weekly basis instead of 32,000 residents. Who will pay to increase the size of our police department? The Bedford township residents will.

Three of the four roads leading into Lewis and Sterns are 2 lane roads. If you put 76,000 more cars and trucks on our township roads on a weekly basis, it will inevitably ruin our surrounding neighborhood roads. A big box store on your property will not contribute one penny to help repair these roads as all of Michigan road funds are derived solely from fuel and other highway taxes. Who will pay the millions of dollars to fix the roads? The Bedford township residents will.

* [Concerning Steinman's statement about where his son's company office is, we are not concerned about having a small business in a residentially zoned area, unless that small business is going to attract 76,000 more cars to Bedford Township on a weekly basis. According to Tim Steinman, his small business is run exactly the same way the other thousands of small businesses are run out of their homes in Bedford Township.] *

We do not know *who* the Whitman lawyer is referring to when he makes statements like "we did everything that *you* asked," but we do know that the Monroe County Township Zoning review dated October 1, 2008 notes, "staff's main concern regarding this request is the difficulty in predicting the type and intensity of development which could occur on the 29 acres of contiguous commercially zoned property, and if a 200' wide 'transitional' district is a sufficient buffer."

(3)

We also know that On September 10, 2008 Dennis Steinman from the Bedford Planning Commission noticed the same exact thing. He said, "I have no idea what kind of large store could come in on this property. If we set this up like this, we've got problems; some large store could come in here. I can't see bringing something large that would suck business away from our people," Mr. Steinman said. These are the important things that matter to us.

According to the book called "How Wal Mart Is Destroying America." There are only three things that Wal Marts needs to destroy small towns, "zoning, zoning and zoning." We do not know who has been paid off- if anyone, or why certain people changed their statements from the trial testimony, but it is confusing.

After checking with the clerk of courts in Monroe County, we discovered that George Welling, the former Republican candidate for the Bedford Township Clerk, received \$500.00 from you for his recent primary election. This amount is the largest political contribution permissible by law. We also know that you changed the date that this proposed rezoning would go before the board and that you wanted to go before the new board for your rezoning request.

We know that you will never take the time to watch the movie "Wal Mart- The High Cost of Low Prices," or the 60 Minutes story on Wal Mart, so we watched them for you. Some residents including the current BBA president think that a Wal Mart would be great for this community and they couldn't be more wrong. According to 60 Minutes, facts show that when a Wal Mart comes to town, "it causes over 100 local stores to close." "Wal Mart- The High Cost of Low Prices," further documents that "when a Wal Mart opens, they knock the commercial property values down in the area because sooner or later there is going to be a bunch of empty buildings and none of them are going to be able to sell."

This is not to say that we are against BBA or the stores in Bedford Township. In fact-it is directly opposite. All of the members of Bedford Watch "Buy Bedford" and spend thousands of dollars in Bedford Township on a yearly basis and we have the receipts to prove it.

Some residents are under the impression that a big box store would boost our local economy and tax base. The facts from the township treasurer Sherri C. Meyer show that it would only generate \$21,072 in yearly property taxes. The total benefit to the township would be 65 cents for each resident of the community on a 15 million dollar big box store. This is a miniscule amount of revenue compared to the damage that it would do to the infrastructure of our township and devaluation of the homes nearby.

Other residents are under the impression that it would bring jobs to the area. What kind of jobs will it bring? According to the movie, Wal Mart employees rarely work full-time or overtime and some have been forced to work off the clock. Some do not even get proper breaks. Some are asked to go on welfare since they cannot afford the insurance that Wal Mart provides.

4

If you are under the impression that Wal Mart is good for America or the Michigan economy, read the book- "How Wal Mart Is Destroying America." The book explains in explicit detail that Wal Mart is a major force in driving manufacturers and jobs overseas. According to the PBS movie: "Is Wal Mart Good For America," 70% of the items that Wal Mart sells are produced in China.

You own just 5 parcels in Bedford Township; we own the other 14,000 parcels in this township. You no longer live in this township, we do. We have to protect what is ours.

We do not believe this rezoning request is consistent with the Bedford Township Master Plan and further assert the request is clearly not in the best interest of this township or its approximately 32,000 residents.

BedfordWatch.com members.

✓ all

Possible outcomes as a result of this administrative rezoning include -

* [1. Planning and the Twp Board created an indefensible situation in leaving #6 R2A. This, in the middle of multi-family, PBO, commercial zoning left that virtually unmarketable and their decision extremely vulnerable. Perhaps the Board has come to that same conclusion and are trying to "unring the bell". OR] *

2. In the event of a lawsuit and settlement (or a judgement) politically it seems like less a concession to go from PBO to C2 than to go from R2A to C2. OR

3. What if there's some deal afoot to make #6 PBO, then work out a swap - make #6 commercial in return for a piece of the currently C2 zoned area that's along Sterns Road being made PBO. This could look like an acre for acre swap, but would yield Jon a better property configuration than what he currently has - the southern most C2 area seems to be the least important commercially zoned area in his scheme.

#5C **What would be a better choice for an Administrative Rezoning, in lieu of PBO?**

If Lot #6 is destined to be rezoned, the PBO would create a reasonable transition between C2/C3 and the RM/RME parcels. And, it is consistent with the "mixed use" for this area (per the Master Plan).

* [However, if/when the referendum passes, it will place PBO directly adjacent to R2A, which may be seen as an issue. But, in all honesty, PBO done right seems to work OK next to R2A.] *

One alternative to consider is to do nothing until after the referendum. Assuming it passes, there may be no need to change Lot #6.

We've been told that this administrative rezoning is to better position the Township in a lawsuit.

1. Has Whitman filed suit?
2. If not, is there any deadline for such action?
3. Would an administrative rezoning affect any such deadline?
4. Is there any sense that Whitman would be less likely to sue if Lot #6 is changed to PBO?
5. Would this change to PBO give the Township a better position?
6. How has Whitman reacted to this proposed change to PBO?

How are we to have faith the the Board is representing us when there is so little transparency and so much apparent secrecy?

1. The Board has had months to take this, or similar action. Why one week after we turned in our petitions?
2. This action seemingly has been kept top secret till the last minute. The agenda wasn't posted until the last possible moment before Township Hall closed for the long weekend.
3. The agenda only listed this by parcel number. Only those who (a) took the initiative to go to the Township website, and (b) took the initiative to look up the parcel number had any idea what was

going on.

4. The agenda gives no clue as to which portion, or all, of the parcel is being considered. Nor does it indicate the nature of the rezoning.

5. With the holiday Monday, there remained precious little time to find out what this is all about.

6. It is hard to see this as anything but trying to keep this administrative rezoning as far below the radar as humanly possible. Given the holiday on Monday, it raises question as to whether the timing of the Agenda, and its total lack of information, meets statutory standards. It certainly fails any standards of transparency and begs the question as to "Is there some hanky panky going on?"

7. In government, oftentimes how you do something is every bit important as what it is you do.

Where does Wade-Trim fit into this administrative rezoning?

It has long been our assertion that Wade-Trim's assessment of the latest Whitman application was in direct conflict with their prior recommendations, including that given as testimony by Julie Johnson, as well as being in conflict with the Master Plan. Are they now supporting this shift to PBO? How do they reconcile yet another change of direction? How will another change of direction play out in any future lawsuit by Whitman?

7d declining property values refer to: Wal-Mart Watch book also 7j

My background in real estate includes 13 years as a licensed Michigan real estate salesman.

I also was employed by the Federal Government as a full time appraiser for FHA, out of the Detroit regional office.

I have served on the Monroe County Planning Commission and the Marlette Planning Commission.

We zone parcels of land to protect the value of property and to provide for the variety of services needed in a community.

Every property has a zoned use designation. We have an obligation to support that zoning.

We have no obligation to change zoning, especially if that change will damage the value of surrounding property.

The property in question encompasses 41.71 acres, divided into several different zoned parcels.

The East parcels along Lewis Avenue are commercially zoned.

The parcels along the west side of the property are zoned residential, providing an insulated buffer between the houses along Indian Road and the commercial use parcels. It has been that way for over 21 years.

The residentially zoned parcels have provided a buffer of 600 feet on the north end to 450 feet on the south end, for these residents.

The proposed change suggests we reduce the insulation they currently enjoy to only 200 feet of residential zoning. That is a loss of buffered insulation zoning to the residential properties.

5D

The current residentially zoned parcels total 21.24 acres. The requested change would reduce the buffer zone to 8.8 acres. It would place the property of those residents that much closer to commercial property with its traffic, noise, and lights, thus reducing the value of their property. *

I cannot support changing zoning to aid one taxpayer at the cost of lost value to other taxpayers.

James W. Goebel

Nov. 30, 2008 Group - Bedford Watch meeting
Dec. 2, 2008 Board meeting

#6

Whitman Rules

These are a list of actions and votes Bedford Township elected officials and planning commission members have knowingly and deliberately taken against the Whitman family on the land that no other land owner in Bedford has ever had happen to them. These are unique to Whitman land only.

- 1) Board members deliberately attack Jon Whitman verbally and in writing saying he willingly is hurting the community and property values for his personal benefit
- 2) Board member deliberately visits judge after close of trial to influence decision which is not yet made.
- 3) Designate land on master plan as all parkland from commercial without any intention of making it a park. Taking 16 months to change parkland designation.
- 4) Change zoning designation on zoning map without any legislative action
- 5) Township attorney and planning coordinator repeatedly verifying zoning on land and not honoring their guarantees.
- 6) Ask judge to twice postpone trial so settlement can happen, having public meeting to announce settlement and then voting to deny settlement.
- 7) Only parcel to have dual endorsements of county planning and paid consultant and be denied recommended zoning.
- 8) Administrative rezoning on land six weeks after denial of zoning
- 9) Administrative rezoning on land without land owner's permission
- 10) Have meeting with lawyers present, than make claim to lawyer confidentiality about zoning designation on administrative rezoning so no one can know what was said
- 11) Only site to have township lose six zoning designations in Monroe County Circuit court.