

An Open Letter to the Bedford Community from the Whitman Family:

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The zoning referendum law is odd to say the least. Courts usually reject referendums. In preparations for our trial attorney Goldsmith admitted it would be overturned. One reason for this is trial rules. Court precedent is absolute about what a witness can say and only “expert” witnesses can give an opinion. The referendum was everyone’s opinion. The voters against the zoning cannot say why as they are not “experts.” In court communities are back to where the process started; with the planners and their recommendations. (This unusual dynamic is why some states do not allow referendums. They are seen by some planners as a process to nowhere) Planners who did testify said the zoning should be approved and the judge agreed. Bedford knew all this from the start.

The costs of this trial came out of your general operating fund. Money spent on this is money not available for other pressing needs. In Wilburn’s deposition (pg 10) he said the cost of this trial was \$50,000 to \$100,000. We believe it was at least \$100,000 based upon what we spent. (The cost of the election is on top of this amount) There was a middle piece that was denied. When the judge asked Goldsmith how the denied middle piece was a compatible zoning pattern he said “I wish I had a better answer than I do.” This was the best they could do after spending two years and \$100,000.

Why not tell the truth? Bedfordwatch said they did not know how to put on a referendum and Bob Shockman told them how to do it. Why didn’t Bob or any other official tell them “Courts usually reject referendums, voters against the zoning cannot testify and the planners have recommended approval?” Our planning expert, who testifies in many trials, was surprised tax dollars were being spent on what he essentially considered a lost cause. He has never seen another community fight senior housing. After closing arguments Goldsmith congratulated us on winning. (Trustee Goebel wrote the judge a letter after this asking him to rule against us)

Wilburn in his deposition (pg 103) said he should not tell people how to believe about an issue. The lawyers said it was illegal to spend time and money to influence a campaign. In the recent Township newsletter Wilburn gave reasons why to support the upcoming road millage and holds public meetings about it. This newsletter and meetings cost money. How can it be legal to spend time and money to inform about the road campaign when it was illegal to do so at the referendum? What was illegal then is somehow legal now. What Wilburn believed wrong in the referendum is now right about the road vote.

Do you believe you were completely misled, valuable information withheld, and taxpayer money wasted? These practices are one of the reasons we have given up on your community.

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Under Michigan Law zoning is granted by the local government unit, or by court order. Local governments are required to publish a zoning map. The courts do not publish a map. Local governments are not forced by law to change their zoning maps to show court ordered zoning. Most local governments for simple integrity publish the court ordered zoning on their zoning map. Bedford refuses to do this. A reliable citizen has argued with planning coordinator Jenkins, township attorney Graham, and Clerk Shockman about how deceptive and misleading this is on our property. This is the only zoning map that will ever be published and it is deliberately wrong. Five years ago there was the "Albring Farm" trial the township lost in both circuit and appeals court. They have not changed the zoning map on that site either. In January it will be five years on the Albring Farm decision and one year on ours. Your taxes are spent to deliberately mislead you.

To verify; go to bedfordmi.org, property/tax info, land search, parcel #02-014-038-00 and 02-014-037-00. Go to "printer friendly version" to see zoning codes. At the bottom of the parcel #038 you will see the Albring name. The court ordered zoning for these is residential not agriculture. The zoning map also shows agriculture on Albring. On ours site there is no C-2 zoning along Lewis or any R-2A zoning. (Go to zoning map, enlarge to 150%)

Bedford praises the courts when they win and denies the decisions when they lose. Most other communities never act like this. Obviously there is no code of conduct or ethics which guides their decisions. Deliberately misleading, deceptive acts are not tolerated in other parts of the community. Bedford High School has a code of conduct which says students will be expelled for deceptive academic work. If the Township officials were to deliberately mislead in an investment or financial instrument they would go to jail. A Bedford minister recently went to jail for financial deception. Why does the planning department, planning commission and township board deliberately and knowingly mislead and deceive on this?

This is not the only ethically questionable act they have done. In closing arguments in both trials, township attorneys have asked the courts to deny zoning requests on: one family residential, multi-family residential, senior residential housing, offices, and different types of commercial zoning. In the past five years the only general zoning categories the attorneys have not argued against are agricultural, industrial and mobile home. What other community does such things?

We have read the community wants to stay only a residential community. In these two trials the Township asked the courts to deny a rezoning on every general residential zoning category except mobile home. The lawyers clearly said you do not want other kinds of residential zoning. In Wilburn's deposition (pg 10) he says the cost of just our trial was \$50,000 to \$100,000. Knowing what we spent on our two trials, we think the township has spent at least \$300,000 to \$500,000 out of their general budget on Albring Farms and our trials. Who besides Bedford spends this amount of money to deny residential zoning? In the Albring trial one family zoning was on both sides of the parcel and they would not approve the middle. This creates a 'doughnut hole' pattern that is hard to defend. The Township was offered \$250,000 in road improvements to Erie Rd to settle the Albring case. They lost the trial and the \$250,000 in road improvements.

They lose the road improvement money, argue against residential zoning in both trials, lose the trials after spending thousands, publish zoning they know is wrong, and claim all of this is good government. This culture is one of the reasons we have given up in your community. In your opinion is Bedford headed in the right or wrong direction?