



Costello

Whitman

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Action on Whitman suit set for Tuesday **Closed-door session expected on whether to keep up rezoning battle**

TEMPERANCE -- Bedford Township's decision on whether to continue the costly legal battle with Whitman Ford will be made Tuesday.

After hearing from citizens on both sides of the controversial issue, including a demand that Trustee Jim Goebel resign from the planning commission, the township board last week settled on the Feb. 15 meeting to discuss its options with township attorney Philip Goldsmith.

The board will open the regular meeting Tuesday and then convene to go into executive session with Mr. Goldsmith to review Judge Joseph Costello, Jr.'s ruling, which nullified a voter referendum involving land owned by the auto dealership at Lewis Avenue and Sterns Road and changed zoning on a key piece of property to allow for intensive commercial development.

"It would allow us to read over again the judge's decision," Trustee Larry O'Dell said about the closed-door conference with the attorney to discuss pending litigation.

Mr. Goldsmith told the board it has 21 days from the judge's Jan. 28 decision to file paperwork with the Michigan Court of Appeals if the board chooses to continue the litigation.

Judge Costello, who heard testimony during a four-day trial in January, threw out the voter action in the May, 2009, election, reinstating zoning modifications approved five months earlier by the township board.

The ruling will result in zoning on land north of Sterns and adjacent to the Indian Acres subdivision changing from single-family residential to multifamily, senior residential, and professional business office, changes Jon Whitman sought to buffer the neighborhood from commercially zoned land.

Bedford Watch, a nonprofit citizens group, petitioned to get the referendum on the ballot . The issue overturning the board action that amended zoning on five parcels won by fewer than 300 votes, 3,209-2,920. There were 21,594 registered voters in the township at the time of the May 5, 2009, election.

Bedford Watch petitioned to get the issue before voters and launched a vigorous campaign that said the rezoning could lead to construction of a Wal-Mart Supercenter or another big-box store.

The judge further ordered that Mr. Whitman get the high-intensity commercial zoning he sought on land west of the dealership, contrary to a decision by the township board.

Steve Lennex, the real estate agent who represents Mr. Whitman, implored the board to end the litigation.

Mr. Lennex of Lambertville said appealing the decision would be an abuse of taxpayers' dollars and a fruitless venture that would continue to divide the community.

"In my opinion, this matter needs to end right here, right now, for good," he said to the seven-member board. "This community has endured two trials regarding the Whitman property. One was decided in the township's favor. One was decided in Mr. Whitman's favor. In my mind, it is time to call it a draw. Let's unite this community and move on to the more pressing issues facing the township."

Township officials said \$8,469 in legal fees had been incurred to defend the township in the lawsuit, and they have been told to expect about \$37,000 in additional costs for the trial.

Mr. Lennex took Mr. Goebel to task for a letter he authored and hand-delivered to Judge Costello after the trial and before the judge issued his opinion. The correspondence, which touted Mr. Goebel's experience on planning commissions, opined about the impact a Wal-Mart or another big-box store could have on the neighborhood. "I was flabbergasted," Mr. Lennex said about Mr. Goebel's action. "This is ridiculous."

Mr. Lennex told the board that Mr. Goebel should be removed from the township planning commission.

"This is absolutely improper unethical behavior and I will not tolerate it. I hope none of you do either. This needs to be dealt with in the most serious manner," he said. "He needs to be removed immediately."

Judy Frankowski, a member of Bedford Watch and Indian Acres resident, defended Mr. Goebel.

"Mr. Goebel spoke up for us and we truly appreciated it," she said. "I feel that you have govern us. We voted for you. We would like to see you go to an appeal."

Kevin Tracy, who also spoke on behalf of Mr. Goebel, said that other elected officials should have followed his example.

"You need to speak mind. Jim did what he was supposed to do. I applaud him for that," Mr. Tracy said.

After the meeting, Mr. Goebel said he believes that he didn't violate the law, but he regrets the action that he took.

The board is a team. I should have worked through our lawyer. I put him in a difficult decision. As it turned out, the judge did not read the letter until after he concluded his decision," he said. "If I had to do it over again, I would have held my tongue."

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