

## today's hot line

### what's inside

#### A New Petition

Another twist has been added to the history of boundary matters in the Farmington Area with the filing of another petition. The latest seeks an election to incorporate Farmington Township and Quakerston as a home-rule city, leaving out Wood Creek Farms.

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#### Eyeing Establishment

A Farmington resident Wednesday told the State Boundary Commission his actions are a good example why young people are disturbed with the establishment. Another article reports young people may not be as disturbed with the law and courts as most of us might believe. And Daniels' Den says Farmington Township government ought to conduct a special study on how to improve its substandard housing areas. These are the topics covered on today's local editorial page.

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#### New Village Clerk

The Village of Wood Creek Farms has appointed a new clerk and the new appointee will immediately be put to work receiving petitions from candidates and registering voters for the village election in March.

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#### Need An Idea?

An increase in winter camping, snowmobiles, what's on the movies plus the information about a guest artist appearing in Oberseerland. That's just some of the information included on today's guide to leisure time activities. It's all on today's Amusements Page of your hometown paper, and no other paper can match it.

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#### Student Power

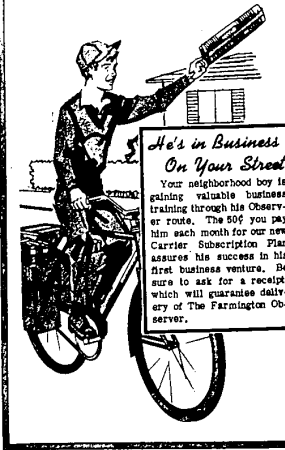
There's lots of it in university towns that can't vote. Michigan Democrats want to let them vote. Tim Richard got the story the broadcasters completely missed from last weekend's state convention.

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### upcoming

G. M. R. X—These are the abstract symbols that the movie industry uses to rate the films you and your children see. Are they working? Who's fighting them? Do people even understand them? Entertainment Editor Sue Shaugnessy will take a hard, but objective, look at the whole system in next Sunday's edition of your hometown paper.



**He's in Business On Your Street**

Your neighborhood boy is gaining valuable business training through his Career Subscription Plan. He's now 11 and he's making money every month for our new Carrier Subscription Plan. Plan assures his success in his first business venture. Be sure to ask for a receipt, which will guarantee delivery of The Farmington Observer.

# State Turns Down Substitute; Court Now To Settle Contest

By EMORY DANIELS

The web of boundary entanglements now rests entirely upon the lap of Oakland County Circuit Judge Frederick Ziem. He must decide if incorporation of a new city or annexation will be the next matter voted upon in the Farmington Area.

Wednesday the State Boundary Commission removed itself from current proceedings by rejecting the substitute petition filed by Robert McConnell of Farmington Township.

ON DEC. 17, the Boundary Commission rejected McConnell's petition seeking an election to incorporate the township and both villages as a

new city. The commission ruled that a township and two villages could be joined only through consolidation.

At that same meeting, McConnell countered by filing another petition asking the state to substitute the word "consolidation" for the word "incorporation" on the petition he filed on Oct. 13.

If the commission had approved the substitute, it would have been given the retroactive date of Oct. 13, and a consolidation election would have had to be held before the Oakland County Board of Supervisors could set an annexation vote, which was requested in another petition.

CHUCK HACKNEY, assistant attorney general, recommended in vain that the commission not take action on the substitute and instead seek a declaratory judgment from Judge Ziem when it defends rejection of the incorporation petition.

Hackney reasoned that if the commission rejected the substitute, another lawsuit would be filed. Thus, the commission would be placed in the position of defending two lawsuits before two different judges.

For legal expediency and smoothness, Hackney asked the commission to delay action and ask Judge Ziem for a declaratory judgment on legality of the substitute.

"There is a good chance that no matter which way you rule, this matter will find its way into Circuit Court," Hackney said.

If the court ruled the substitute valid, explained Hackney, the commission would then simply call for a consolidation election, and if that question passed, the lawsuit now before Judge Ziem on the incorporation rejection would be muted. If the substitute qualified, Ziem would be asked to dismiss the lawsuit, said Hackney.

H Judge Ziem rules the incorporation petition was not proper and did not qualify the substitute, then that would rule out the commission from proceeding further, Hackney added.

BUT COMMISSIONERS felt differently about the matter and chose to make a decision instead of asking Circuit Court to decide for them.

Detailed specifications were written into the Home Rule Act, explained Commissioner Irving Rozian, because of the absence of an administrative body with authority over boundary matters.

The existence of the commission ought to diminish the number of boundary cases going to court, Rozian continued. "We ought to test ourselves by sticking our neck out and making decisions on specifics."

Hackney replied that the Boundary Act 191 does provide for judicial review in the administrative procedures section and that request for a declaratory judgment would not really burden the courts since a lawsuit has already been filed.

"If you make a decision, we may have two judges hearing two different cases and arguing at two different decisions," he added.

WHEN ASKED if a substitute could change the content or substance of a petition from incorporation to consolidation, Hackney answered that there is evidently no limitation on what a substitute can be.

There is no indication that an incorporation petition cannot be substituted for with consolidation. The only limit is that you cannot substitute for a substitute, Hackney explained.

The question of accepting or rejecting the substitute, at this point, boiled down to the matter of when the substitute was filed, Rozian contended that there was nothing for the substitute to replace or correct because the incorporation petition had already been rejected.

Hackney said that the law requires that the first petition must be "on file" at the time a substitute is filed. The question, he said, is at what time is the commission's action final.

Hackney said the Administrative Procedures Act does not require a written order but only says such order shall be provided upon request. The statute requires only that the commission's findings be placed on record.

ROZIAN CONTENDED that the commission's actions are final when a resolution is passed and the chairman moves on to the next agenda item. Because a tape recorder was used at the Dec. 17 meeting, the rejection was placed "on record" when it was placed on tape, Rozian added.

G.S. Franke, commission chairman, commented that the intent was clear that the action was final at the time of rejection.

Hackney said it was his opinion that the commission's actions are timed according to when the resolution is passed. After rejection, the Farmington matter was concluded, and Oakland County Commissioner Ray Lahti was leaving the room, said Hackney.

I think your sitting on the Oakland County matter was complete at that point, and reconsideration was not possible. It is my opinion that it is not necessary to reduce findings to writing to make them final," asserted Hackney.

DAVID GREENSPAN, attorney for McConnell, argued

that at the Dec. 17 meeting the commission said a written order explaining the rejection must be sent to parties involved. The petition was received by the commission prior to writing of the order, he added.

Rozian answered that writing of the order is strictly an administrative matter and had nothing to do with finality of action.

Jim Hyde, commission's executive secretary, said that the Dec. 17 hearing on Farmington had adjourned and the substitute was filed after adjournment. The meeting was reopened only for the purpose of putting on record what the substitute had been filed and to allow the commission to instruct its staff on questions to researchers.

Burton Shifman, attorney for the City of Farmington, mentioned that the commission must adjourn after each agenda item because its membership changes. Oakland County members sat in on the Farmington case and the next item on the agenda was a Wayne County matter and the membership changed, explained Shifman.

Because of this change in membership, the commission is not a continuing body but its authority ends when each agenda item is concluded, argued Shifman.

"I think it is quite clear that the petitioners took a calculated gamble," said Franke. "They waited until we rejected their incorporation petition before filing the substitute. If they wanted to file on time they could have. I think it was filed too late."

FRANKE ALSO ARGUED that the substitute was not proper because it sought changes to material, asking for change of action involving completely different circumstances, rules and powers of the commission.

"I think we should proceed and make our own determinations and not ask the courts to

be substituted for with consolidation. The only limit is that you cannot substitute for a substitute, Hackney explained.

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ORIENTAL—You can't read it, but the top line Farmington exchange student Yuki Nori has written reads "United States of America." The bottom two lines are the Nori's name as he writes it at home in Japan.

By WYLIE GERDES

One of the major obstacles blocking passage of a special zoning ordinance for Farmington's central business district (CBD) apparently was resolved Wednesday night after a meeting between businessmen and city planners.

At a city council meeting Jan. 7, a group of businessmen whose interests lie within the CBD area objected to most of the draft ordinance to create a restricted commercial zone for Farmington.

The draft excluded from the CBD some types of commercial uses allowed under regular commercial zoning and placed the power to approve changes within the zone in the hands of the city planning commission.

MORE THAN 100 persons crowded the council chambers to hear the discussion Jan. 7, which led to meetings between the downtown redevelopment committee and representatives of a group of 49 businessmen. The downtown redevelopment committee is a subcommittee of the planning commission.

At the meeting Wednesday night in Farmington High School, the problem of non-conforming uses within the CBD was apparently clarified to the satisfaction of both businessmen and subcommittee members.

Non-conforming uses are those existing within a zone but prohibited by a zoning ordinance. The proposed CBD ordinance prohibits most types of businesses serving autos, trailer sales, drive-in restaurants, automatic laundries and outdoor sales operations.

BURTON SHIFMAN, attorney for the downtown redevelopment committee, told the businessmen that having non-conforming use is "not like being a leper."

The Oak Park attorney said that giving such power to non-conforming businesses have the right to exist and improve their businesses. "I like it very much."

he said, might not be allowed to physically expand, but other changes to improve the velocity of business" are allowed by the courts. If destroyed by fire, a non-conforming use cannot be re-established, Shifman said.

The protections given to non-conforming uses are generally "available whether included in an ordinance or not," the attorney commented.

Shifman appeared to favor including the guarantee of non-conforming businesses, however, in the ordinance.

"A man ought not to have to run to find out how he stands," Shifman said.

REPRESENTATIVES OF the businessmen's group supported the clarification.

Richard Habicht, owner of the White House Valet, a business which would become non-conforming if the draft is approved, said the problem of non-conforming uses accounts for 39% of the disagreement between the merchants and planners.

John Clappison, another merchant representative, said the clarification will "take the pressure off us."

A SECOND MAJOR point of disagreement between the business community and planners appears heading toward a compromise solution after Wednesday's meeting.

Businessmen at the public hearing Jan. 7 strongly criticized sections of the draft which gave power over changes in uses or improvements of buildings to the planning commission. In the whole merchants felt the provision would subject businesses to the whims of the planning commission because the proposal gave no guidelines to be used to judge changes.

# Agreement Near On Downtown

is the key to the ordinance, but that it needs improvement. He said he could defend the section but appeared to be skeptical concerning the success of the defense.

The solution to the disagreement is "a balance of various interests," Shifman said.

The trend now, Shifman continued, is to give planners more flexibility to solve problems. However, businesses desire specific regulations to ensure they can make plans for the future.

A COMPROMISE between the two positions might not bring "as much certainty as the businessmen would like to see," Shifman said.

Strong medicine may be needed to cure a strong problem, the Oak Park attorney continued, so the ordinance should contain "enough flexibility to solve problems and still give some certainty."

City Manager John Dinan said the planners knew they were taking a unique approach to regulations when they recommended flexibility in setbacks. The planners decided to be "pioneers" in this area, Dinan said, by deciding setback requirements in individual cases rather than spelling them out in the CBD ordinance.

Shifman said there is another solution to the problem of spelling out restrictions. Restrictions could be made so that everyone would have to come to the planning commission for a variance from the zoning regulations, he said. This would give the planning commission the power to decide restrictions in every case.

ANOTHER CHANGE in the ordinance recommended by the businessmen and supported by Shifman concerns appeals from planning commission decisions. At the public hearing, businessmen said the provision

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## Oriental Twist

# We Don't Have Corner On Generation Gap

By ELIZABETH WISSMAN

It seems Americans don't have a corner on the generation gap.

But the Japanese generation gap takes a different twist. ACCORDING TO Yukinori Ono, an American Field Service exchange student at Farmington High School, didn't know he had a generation gap until he left home to spend the year in Farmington.

Nori, Ono, or Yuki as he answers to all three! has been getting letters from his mother that read from right to left. Modern Japanese are taught to write from left to right, as Americans are.

Asked if he thinks his mother is old-fashioned, Nori laughs. "She just does it. She doesn't know any other way."

Whatever way she writes, Mrs. Ono is to be congratulated at simply learning enough of the Japanese alphabet to write a letter. Nori had to learn a total of 800 letters just to know his "educational letters," as he calls them.

Because the Japanese language is so intricate to write, the wily Japanese have simplified the matter of signatures for checks, legal documents, charge accounts, etc.

NORI SAYS that anyone who does business in Japan owns a "hanko," an official seal unlike anyone else's that is as identifiable as a personal signature.

Because the word "counterfeit" is not in Nori's Japanese-English dictionary, it is impossible to determine how many hankos are copied for illegal use. Nori can't quite grasp the word "counterfeit."

In other respects, Nori has found life at the George Ricketys' of 21985 Leyte, his host family, much like his own in Japan.

"Family life here is just the same," says Nori. "But at home we don't have Saturdays off. Here I've been so occupied with events on the weekends. I even enjoy polishing the car. It's so nice to not go to school on Saturdays."

He has some difficulty with English, but the oriental lad understands the American joke about objects labeled "made in Japan," found all over this country.

He laughs. "I bought some blue jeans in Japan before I came here. When I got here I found out they were made in the USA. It was just like you buying things made in Japan."

AS WITH CERTAIN English words, Nori also doesn't understand why the Occidental world finds orientals mysterious and inscrutable. But his face and grin are anything but inscrutable and mysterious

when you mention this to him.

Perhaps because he is an oriental, Nori takes a softer view of Red China and Mao Tse Tung than Westerners do.

"Racially we are the same," he points out. "I think you see Red China as a threat to your leadership of the free-capitalist world. We don't talk about Red China as much as you do."

"But China has a big problem in her many dialects. I think Mao Tse Tung has done something to bring that country together. I don't dislike him. But this is my own personal thinking—not all Japanese would agree with me."

The AFS student adds, "I can't understand why America and China have so much malice toward each other. They should not bear malice simply because they have different governments."

YET THIS Japanese boy has found more to admire about the American way of life.

"Every American has his own opinion," he says with admiration in his eyes. "It seems that people in Japan follow what someone else says. 'You discuss things. This is good. Even in school and at home I didn't have an opportunity to discuss things. Here I do. And I like it.'"

"I like it very much."