

New Petition Deletes Wood Creek

FARMINGTON Village of Wood Creek Farms is not included in the latest petition filed with the State Boundary Commission, but it will stay in limbo for some time.

The latest petition was filed by Robert McConnell and asks for an election to incorporate Farmington Township with the Village of Quakertown. The

McConnell filed the petition on Jan. 12 in Lansing. The petition was received and filed, explains Jim Hyde, executive secretary of the Boundary Commission.

HYDE TOLD the Farmington Enterprise & Observer Wednesday that his staff has not yet counted the number of signatures on the new petition because it is so far down the line.

Two other questions are ahead of the Jan. 12 petition. If Oakland County Circuit Court rules the state erred in rejecting the Oct. 13 incorporation petition filed by McConnell, then an election must be held to incorporate the township and both villages.

If Circuit Court upholds the commission in rejecting the Oct. 13 petition, then the Oakland County Board of Supervisors must act on the petition filed by Richard Tupper for annexation.

If the supervisors find the annexation petitions to be in order, an election will be held

on the question of annexing the southern half of the township to the City of Farmington.

THE COURTS must uphold the Boundary Commission's rejection of the Oct. 13 incorporation petition, and the annexation election must be held before the latest petition will even be placed on the Boundary Commission's agenda.

"We still think incorporation is the proper procedure to join the township with both villages," David Greenspan, McConnell's attorney, told the Enterprise & Observer when asked about the latest petition.

But an incorporation of just the two (Farmington Township and Quakertown) cannot be made until the Boundary Commission's decision is final. There have been plenty of incorporations accomplished in the past between one village and one township.

"The legal question arose when we tried to combine the village and township through incorporation," concluded Greenspan, "but we still believe that is the proper course."

AS REPORTED on page one of today's paper, the Boundary Commission Wednesday rejected a request from McConnell to substitute the word "consolidation" for "incorporation" on his Oct. 13 petition.

After rejection of the substitute, Greenspan asked the commission to consider his request for a rehearing on the Dec. 17 rejection of the Oct. 13 incorporation petition.

Greenspan had made the rehearing request by a telegram last week. But commissioners also rejected the rehearing request after being advised by Chuck Hackney, assistant attorney general and

legal counsel to the commission.

Hackney explained that the commission's rules do not provide for or require rehearing. He described the request as irregular and insufficient because no reason had been given why the rehearing should be granted.

Greenspan said the tape of the Dec. 17 meeting had not been made available to him in time to file a detailed rehearing request. But the tape will show important points on the matter of finally, he explained, and could be one of the turning points in the entire proceedings.

Burton Shiffman, attorney for the City of Farmington, argued that a person asking for a rehearing must present new reasons. The reasons for a rehearing should be apparent to the petitioner when he asks for one

and should not depend upon receiving the tape, he added.

"If we want to decide on the authority of this commission," said Shiffman, "we must get to the courts as soon as possible. The court may not make a decision because of the request for rehearing if it is accepted."

"The rules don't provide for rehearing and I don't think you need to, especially since no reason was given why your actions are wrong," said Hackney.

Ray Lahti, Oakland County commission member, moved that the commission deny the request because the commission was not empowered to grant rehearings and because sufficient reasons were not given. The motion passed unanimously.

State Denies Substitute

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make our decisions," said Francke. "But certainly be prepared to defend our actions in court. I can be as right as a circuit judge, and if I'm not, a circuit judge can tell me."

Litigation is an inevitable result and the commission is referring to judicial approval would not be giving up its authority, said Hackney. Rejection of the substitute would put him in an indefensible position, added Hackney, but procedure would create a lot of problems.

"I might cause procedural problems but it will establish that this commission is going to keep things before it moving along," commented Francke.

James Seeterlin, Oakland County member, said he could not understand how four-fifths of the signers of the incorporation petition could sign the substitute petition, thereby admitting an error, before the commission rejected the incorporation request.

This is an indication why the petitioners waited so long to file, said Hackney. The petitioners felt if they filed the substitute before the decision it might have cost doubt that there was something wrong with the original petition, he added.

DURING THE MEETING, Francke commented that it was not the commission's job to "protect" Farmington Township's boundaries.

Another area of contention concerning the ordinance is yet to be resolved. The businessmen's group urged the committee to expand the area

of the CBD zone to include the Farmington Plaza at Grand River and Mooney, and commercial uses on Grand River between the Grand River-Farmington Rd. area.

"I believe we have sufficient ground to reject the substitute petition. I believe petitioners should have maximum latitude to restate their wishes as long as they go back to the commission, even a change from incorporation to consolidation, because it was only after we researched the question that it was decided that consolidation was the only proper method."

ON THE QUESTION of time, Rozian continued, the

commission must define finality of action because there are other parties of interest (the City of Farmington) involved.

"When we reject a petition, the time of finality is when the motion is completed because it is then on record at our hearing on the tape recorder."

"I don't want to thwart what the community wants, but there are two communities involved here," Rozian added.

In spite of what might be just, we must make a decision on when our actions are final," Lahti commented. "We gave consideration to the incorporation petition and made a decision. I see no reason to muddy waters by accepting the substitute motion. I'm in favor of taking action and then

letting the courts tell us we are wrong."

Rozian, as a matter of record, attempted to pass a motion that the substitute would have been acceptable on the basis of content in spite of the substantial change from incorporation to consolidation. But Rozian's motion died for lack of support.

Rozian moved that the substitute be rejected since there was no petition on file for which it could qualify as a substitute. In other words, the incorporation petition had already been rejected and no longer existed to be substituted for.

The motion to reject passed unanimously.

Downtown Compromise

Continued from Page 1A

nessmen objected to having the Zoning Board of Appeals hear arguments on zoning appeals.

An elected body, rather than the appointed members of the Zoning Board of Appeals, should review the planning commission's decisions, they said.

Shiffman recommended that the city council become the Zoning Board of Appeals for cases involving the CBD zoning ordinance. Both sides seemed willing to accept this solution.

Another area of contention concerning the ordinance is yet to be resolved. The businessmen's group urged the committee to expand the area

of the CBD zone to include the Farmington Plaza at Grand River and Mooney, and commercial uses on Grand River between the Grand River-Farmington Rd. area.

"The downtown redevelopment committee recommended the CBD be limited to the commercial area near the intersection of Grand River and Farmington Rd., extending southeast along Grand River to Maple.

FOR THE businessmen, Habicht commented: "The plaza is just as much a business zone as the area you choose to call the central business district."

Clappison agreed if certain restrictions would be good for one commercial area, it would

be good for all commercial areas.

"Why zone them (objectionable businesses) out of this and have three or four of them in a row a half-mile down?" Clappison asked.

Jim Platt of the downtown redevelopment committee commented one of the objects of the CBD ordinance is to create a business center which is pedestrian-oriented. A long strip would not help pedestrian movement, Platt said.

The planner noted the zoning of the other commercial areas of the city can be accomplished by separate ordinances. He said the CBD ordinance took months to formulate and study of strip-zoning problems should be given the same consideration.

Pack III Eyes Derby

FARMINGTON Mike Fisher became the newest member of Farmington Cub Scout Pack 111 at its regular January meeting. Awards included wolf badges to Cass Grandone, Jeff Nichols and Kevin Jones, and arrow points to Jeff Nichols, Gary Keelehan and Jeff Pettit. Webelos Scout Mark Evans also was awarded his scientist and artist badges.

The main attraction for the evening was a movie on the 1969 National Soap Box Derby. The boys picked up pointers for building their own pine-wood derby model racers for the derby coming up in March.

The January outing was a success as approximately 50 boys and fathers descended on Kensington Park with toboggans, sleds and saucers. The weather was perfect and everyone went home exhausted.

February will see the Cubs and their parents meet in Nardin Park Methodist Church for the annual Blue and Gold Banquet. A special program is planned as Pack 111 helps celebrate scouting's 80th anniversary.

Mersey Offers Ladies Sports

FARMINGTON A women's recreation program is again being conducted this winter by Our Lady of Mercy in the Novitiate Building on 11 Mile Rd. at Middle Belt, Farmington.

Lessons will start Jan. 27.

AN ADULT WEIGHT watcher's "trim & slim" program will feature slimastics and isometric exercise with pool deck and water exercise. Ten-week sessions are \$12. Hours are Tuesday from 11:15 a.m. to noon and on Thursday from 1-1:45 p.m.

Ladies Fraydi Cats swim lessons are offered for women afraid of the water. Instruction includes fundamentals of breathing, floating, elementary backstroke, front crawl and diving. Ten-week course is \$12. Hours are Tuesday from 11:15 a.m. to noon.

Mersey Offers Ladies Sports

Lessons are given Tuesdays from 10:30-11 a.m.

Aqua Totis swim lessons are for children three to six years old. Enrollment is limited to 10 children. Ten-week course is \$10.

RECREATIONAL SWIMMING is available for ladies in the Mersey Center pool which will be open on Tuesday or Thursday from noon to 1 p.m. or 1:45-3:15 p.m. Cost is \$1 for adults and 50 cents for children accompanied by an adult.

On "ladies' night out" women may exercise for 45 minutes and then swim and relax to music. Ten-week program is held Thursday night from 7:30-9.

Free baby sitting service is offered during the day to ladies participating in the programs. Women may register by calling Sally Prior at 423-2694.

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10:30 a.m. Family Worship Service
Church School Facilities at Beechview School
Rev. John C. Hooper Rector
GR 4-2680

You Are Invited to Attend First Church of Christ, Scientist
33525 Grand River Ave. Farmington, Mich.
Sunday Service 11 a.m.
Sunday School 11 a.m.
Wed. Evening Meeting 8 p.m.
Reading Room in Church Edifice, Open Monday through Saturday 11 a.m. to 3 p.m.

North Congregational Church
Northwestern Highway at Lusher Road
Rev. Louis B. Gerhardt Minister
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The Lutheran Church of the INCARNATION L.C.A.
30333 W. Ten Mile Rd. East of Orchard Lake Rd.
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Rev. Peter C. Larsen
476-3335

ST. JOHN AMERICAN LUTHERAN CHURCH
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George W. Ramsey, Minister
Robert N. Sawyer, Jr., Asst. Minister
Office - 474-6170

FIRST BAPTIST CHURCH
Shilohwasse at Farmington Rd., Farmington, Mich.
Rev. Walter C. Ballagh Minister
11 a.m. - Morning Worship
9:45 a.m. - Bible School
5:45 p.m. - 3 Youth Groups
6 p.m. - Evening Worship
7:30 p.m. - Wednesday Prayer Service
Our Faith is: "Jesus Christ Himself Being the Chief Cornerstone" Eph. 2:20
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7:30 p.m. The Evening Service
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ELSIE A. JOHNS, Minister
GR 4-3563 GR 4-6902

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Church Office GR 4-6880
Carl H. Schultz, Minister
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Rev. B. Bryce Swiler
Parsonage GR 4-7568
Office GR 4-6573