



Farmington Observer

Volume 98 Number 18 Monday, December 10, 1984 Farmington, Michigan 36 Pages Twenty-five cents

One vote puts Marks over the top

By Joanne Maliszewski
staff writer

It will be Ben Marks on the Farmington Hills council tonight.

He edged out Terry Sever by one vote in an election recount on Dec. 8 of the city's 27 precincts.

The recount, conducted and certified by the Oakland County Board of Canvassers, showed Marks received 11,006 votes to Sever's 11,005.

Marks picked up 26 additional votes in the recount while Sever stayed even — losing and then gaining seven votes.

In the November election, Sever squeaked past Marks with a 25-vote margin to win the council seat. In the vote tally election night, Sever chalked up 11,005 votes to Marks' 10,980.

While Sever was being sworn in later that week, Marks requested a recount.

Originally, Marks requested a recount of the nine precincts in which he lost to Sever. He later changed his mind and asked canvassers to recount all 27 precincts, including absentee ballots.

"I figured if I'd have them counted, I'd count them all," Marks said.

MARKS WILL be sworn in by City

Clerk Floyd Cairns this afternoon in time for tonight's council meeting.

"I just expected to win," Marks said, adding one vote is just as good as a million. "It (the recount) was only fair to myself and the people who worked so darned hard for me."

Seemingly undaunted by the recount results, Sever is contemplating his next step.

According to Oakland County Clerk Lynn D. Allen, Sever's only recourse is to take the issue to Circuit Court.

"I'm contemplating it," Sever said. "I'm looking into it."

Friends and supporters who feel the recount was unfair, Sever said, are already donating money to help take the issue to court.

"The only thing that I am concerned about is a fair process. I don't have any problem with not winning."

What concerns Sever are the chads — the perforations on the punch card ballots — and how they were counted.

In checking each of the punch card ballots by hand, as requested by Marks, canvassers punched out the chads which were in any way dismembered or detached.

"It's within the law," Allen said. "There is a section (of the law) that if it



These two longtime political foes went another round in their fight for a seat on the Farmington Hills City Council. The winner this time around was Ben Marks, right, who was declared the winner over Terry Sever by one vote in a recount by county officials.

is dismembered it can be punched."

BUT SEVER wants the fairness of counting dismembered or detached chads investigated.

"The only thing I am concerned with is the fairness," Sever said. "I am con-

vinced that somehow my votes were invalidated." "What happened to my seven votes? I want them. Somewhere I lost seven votes that I had on election night."

If seven of Sever's vote had not been invalidated, he said, he would have won

the recount by six votes.

Sever added that if chads were punched in the recount adding votes to those tallied election night, there should be more total votes for each candidate. "But I ended up with the same number."

After canvassers hand-checked the punch card ballots, they were taken to Royal Oak where they were tallied, Allen said.

Marks defends the canvassers and the process used in the recount.

House downsizing becomes an 'attitude' here to stay

By Joanne Maliszewski
staff writer

Keeping a watchful eye on the size, quality and architecture of houses going up in developing Farmington Hills subdivisions has become a way of life for city officials, homeowners and developers.

A building official calls the downsizing concern "an attitude" that is here to stay. Homeowners simply don't want a smaller house next door.

But what was once a heated feud between homeowners crying for help in fear their property values would drop and developers claiming the market demanded smaller homes, has become an administrative process at city hall.

"Everyone has accepted it," said John Wald, Farmington Hills building official.

What everyone — homeowners, developers and builders — has accepted is the 16-month-old downsizing ordinance adopted by city council.

The ordinance is designed to regulate house size and architecture in unfinished single-family neighborhoods. While houses cannot, according to ordinance, be too similar to adjacent houses, they can't be too dissimilar either.

BUILDERS AND developers must pass the requirements of the ordinance before being issued a building permit. A \$40 fee is charged for building officials making the determination that the proposed house complies.

If a developer disagrees with the building official's decision, the next step is the three-member One Family Residential Review Board. An appeal costs the developer \$80.

Despite the anger and commotion that preceded the adoption of a downsizing ordinance last year, only about 8-10 appeals have gone to the review board, Wald said.

But Wald said it's difficult to determine whether that's considered many or few appeals because no one really knew what to anticipate.

"Only one was for actual downsizing," Wald said. The other appeals dealt with the aesthetics or architectural appearance of a house, he added.

Determining whether a house is identical is of little problem, Wald said. "No builder in his right mind would build something identical."

MOST BUILDERS have a floor plan and different elevations, he said. Under the downsizing ordinance, elevations of the same floor plan would not be considered too similar.

The problem comes in when building officials have to determine whether a house is architecturally dissimilar.

For example, two appeals came before the review board regarding dome houses, Wald said. In the neighborhoods where they were to be built, they were too different from the existing houses.

8-10 appeals, Wald said, the review board and building officials have not experienced "any real problems" with the ordinance or the review process.

Before Richard Miller, superintendent of building and zoning, retired this year, he indicated there was actually little problem with downsizing.

"The city's minimum zoning requirement exceeded subdivision size requirements in all cases," he said.

Whether downsizing is a problem or not, however, the ordinance and the required review process has brought more paper work and more time devoted to the issue.

THE INCREASE in residential building evidenced by an increase of

building permits from 305 in 1983 to 492 through this November, hasn't altered the issue one bit, Wald said.

When downsizing first became an issue in Farmington Hills, developers claimed the housing market demanded smaller houses than those already existing in the city's neighborhoods.

Downsizing was becoming a trend as developers found it difficult to sell the larger, more expensive homes characteristic of Farmington Hills.

Even with a housing boom in Farmington Hills and lower interest rates allowing more people to buy a house, the concern over downsizing hasn't really subsided, Wald said.

"Houses are still being reduced in size, but insignificantly so," he said.

In new subdivisions, builders can "set their own trend. That's done by, for example, building in a subdivision of 200 lots that has about 10 existing houses. As more homes are built in the neighborhood, further from the existing homes, it's possible to build smaller houses," Wald said.

Vigil stresses need for unity among victims

By Jean Adamczak
staff writer

Greg and Penny Bien know only too well the effect "one more for the road" can have on a driver who has been drinking.

In September 1981, the Bien's 4-year old daughter, Nicole, was killed while the family was walking along a private dirt road they lived on in Ortonville.

In February 1982, the Bien's became involved with Mother's Against Drunk Driving (MADD) when the Oakland County chapter began.

"It seemed like when I was ready to talk to someone, they (MADD) were there," said Penny Bien.

Belonging to the organization has helped the Bien's deal with their grief tremendously, she says.

"It's something we can do for her (Nicole). We can't tuck her in bed anymore," she said.

The Man who killed Nicole was a neighbor of the Bien's. Eighteen months after the accident he pleaded guilty to a manslaughter charge and served a nine-month prison sentence.

Yet, the Bien's feel it wasn't an accident.

"We don't call them accidents, it was murder," said Bien.

"He (the neighbor) knew he was drunk and would have to drive home. That takes it out of the realm of accident," she said.

Today, Bien is vice president of the Oakland County chapter of MADD which has increased its paid membership from 10 to about 360 members.

The Bien's will be present at Nardin Park Methodist Church Monday evening as the Oakland Chapter of MADD holds its third annual candlelight vigil.

Forty-eight candles will burn at the 7:30 p.m. service held to remember those killed in alcohol related accidents.

The 48 candles represent the 48 people killed in Oakland County from Jan. 1 through Nov. 30, but according to Oakland County chapter treasurer Cindi Hellesk, anyone attending the 7:30 p.m. vigil will receive a candle.

"WE WANTED to hold the vigil inside as opposed to holding it outdoors in

Budget surplus grows

By Joanne Maliszewski
staff writer

Farmington Hills is in good financial shape.

The city's surplus, generally a hotly debated issue among council members during budget time, topped \$3.4 million in 1983-84. That's up from 1982-83 when it stood at \$3.3 million, said Charles Rosch, city finance director.

Of the total \$3.4 million, approximately \$1.9 million is reserved for projects such as the Caddell Drain project, self-insurance and 12 Mile Road improvements.

The remaining \$1.5 million of surplus is unreserved. The unreserved surplus is about 10 percent of the current 1984-85 \$15 million budget, Rosch said. A city engineer is advised to have at least a 10 percent surplus, he added.

That's the word based on an audit of fiscal 1983-84, conducted by Plante & Moran auditors of Southfield.

"The synopsis is that the city is in good financial standing," Rosch said. "There are no funds with deficits."

An interesting note about 1983-84 is that revenue from property taxes accounted for 3 percent less — from 62 percent in 1982-83 to 59 percent last year — of the money going into the city's general fund for operations.

A significant factor affecting the percentage drop is the decrease in total

state equalized value (SEV) of property in the city, Rosch said.

In 1982-83, total SEV stood at \$9.5 million. The total dropped to \$9.4 million last year, Rosch said.

Causing the decrease in SEV was a drop in assessments as well as a loss in revenue from penalties for not paying taxes on time, Rosch said. In addition, the city lost about \$48,000 in assessments because of a tax tribunal case, he said.

"Because of other revenue increases the property tax dollar had to support less of the operations," Rosch said.

"Just about every other revenue went up as a percentage of the total picture."

Unlike 1982-83, when the state was having problems with getting state shared revenues to local governments, 1983-84 saw brighter days with an increase in payments that were generally made on time, he said.

Because building activity increased in 1983-84, the city accumulated more revenue from building permits and inspection fees, Rosch said. Parks and recreation fees also increased.

front of the Oakland County jail as we have done the past two years," Hellesk said.

"Nardin Park (church) has always been extremely supportive of our organization as has Rev. William Ritter," she said.

The vigil brings out a lot of people who truly are victims and who do not attend the regular MADD meetings because they are still trying to deal with their grief, says Hellesk.

Unlike the Bien's, Hellesk did not become involved with MADD because someone she knew was killed by a drunk driver.

"I'm not a victim, but you don't have to be a victim to join the organization," Hellesk said, adding that it is "by no means only for mothers."

"I am a mother, and I am very concerned about drunk drivers. There are some things I can't change, like illness, but this is something I can do something about," she said.

The Bien's admire people like Hellesk who become involved with the organization voluntarily.

"Greg and I were forced into this because, unfortunately, we needed it," said Bien. "Cindi (Hellesk), hasn't lost anybody but she feels there is a need for this organization."

Both the Bien's and Hellesk feel the organization has made a big impact in its three-year existence, but they say, there is still a long way to go.

"It has raised social consciousness so much," Hellesk said, "that I have stopped being invited to parties."

"I CAN'T" stand going to parties and seeing people getting drunk and knowing that they are going to be out on the streets driving and endangering lives," she said.

Bien agrees.

"I've seen a change in people that I know," she said.

"They say to me, 'I know what you went through and I know about the stricter laws facing drunk drivers, so I don't drink when I have to drive.'"

But, the organization still has a big task ahead of it, she says.

"We have to change society's awareness," she said.

"Drunk driving won't go away until drinkers do," Hellesk said.

what's inside

- Cable Connection . . . 7A
- Community Calendar . . . 6B
- Editorials . . . 8A
- Inside Angles . . . 3A
- Obituaries . . . 2A
- Orai Quarrel . . . 8A
- NEWSLINES . . . 477-5450
- HOME DELIVERY . 591-0500
- CLASSIFIED ADS . 591-0900



RECRUITMENT
HELPED ADVERTISING
Begins in SECTION C
of today's paper.