

# Farmington Observer

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## Debate slated on housing petition barrage

By LYNN ORR

Mid-rise housing foes leveled another attack at Farmington Hills' new zoning ordinance, aimed at placing the controversial provision for senior citizen housing on the ballot.

But City Atty. Paul Bibeau believes the proposed charter amendment is illegal.

Bibeau recently released his lengthy opinion on the Council of Homeowners' proposed charter amendment. The amendment, if approved by the voters, would mandate future voter approval of changes in single family zoning and changes in building height limitation.

Meanwhile, the homeowners presented a second raft of petitions to City Clerk Floyd Cairns last week. This time the petitioners want to stop construction of a proposed mid-rise senior citizen complex on Orchard Lake Road north of Thirteen Mile.

The council approved the proposed building under the RCE-1 zoning provision, which allows senior citizen housing to be constructed no more than 60 feet high.

The homeowners want the voters to have a chance to reverse the city council's decision to allow mid-rise housing in the city, says Homeowners' spokesman Robert Anzlovar.

"WE'RE ASKING them to let the people speak their minds," he explained. The amendment, if approved by the voters, would be retroactive to Jan. 1, 1977. That action would nullify the council's narrow

approval of the zoning ordinance last October.

The homeowners are not opposed to senior housing, Anzlovar says. The issue is height limits.

"We don't want to set a height precedent in this city. If you allow 60-foot heights for senior citizen housing, it sets you up for discrimination if you deny it to others. What do you do when somebody else wants to build that high?"

The second petition drive to stop the construction of the housing complex requires certification of at least 1,700 signatures. Homeowners say they turned in 2,700 signatures.

Anzlovar is confident the group has the necessary number of signatures to assure that city officials consider the matter.

Council members will discuss Bibeau's opinion on the charter amendment at the April 24 council meeting. The ultimate responsibility of placing the issue on the ballot rests with Cairns, however.

He is taking a wait-and-see attitude for awhile, he says. He has until mid-September to make the decision.

BIBEAU'S OPINION says the charter amendment would be unlawful in that it is in violation of the Home Rule Cities Act and the City and Village Zoning Enabling Act.

He cited several court cases in defense of his opinion. The U.S. Supreme Court held an Ohio municipal charter provision for referendum in certain amendatory zoning ordinances to be constitutional under the 14th

Amendment due process clause.

However, the court ruling was based on the State of Ohio's constitution.

"Unlike Ohio, Michigan has not reserved the power of referendum to the people in its constitution," Bibeau wrote.

The charter amendment poses constitutional and statutory problems, he wrote.

THERE ARE three alternatives fac-

ing the city concerning the proposed charter amendment, according to Bibeau. The council may place the matter on the ballot despite the attorney's opinion, seek a judicial determination of the validity of the charter amendment, or do nothing.

"In that event, you may anticipate the sponsors of the petition would seek an order of mandamus from the Oakland County Circuit Court directing

you to place the matter on the ballot," Bibeau wrote.

Cairns is awaiting an opinion on the charter amendment from the state attorney general's office as well, he said last week.

COURT ACTION, however, is the Homeowners' next step, if the city tries to block the ballot proposals, Anzlovar says.

"Court action is the only recourse

we'll have," he says. The group's attorneys believe the ballot proposals are legal, he adds.

Anzlovar denied that the Homeowners are considering a petition drive to recall mid-rise proponents on the city council.

"I personally feel it's not in the best interests of the city," he says. "It's a divisive action, and we don't want to

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## Dust off costs eyed by council

By LYNN ORR

It looks like Farmington Hills won't be picking up the \$70,000 price tag to control dust on dirt and gravel roads this year.

Homeowners on unpaved roads can expect to pay between \$100 for five chloride treatments, if council members agree to establish a special assessment district next week.

The proposal is an attempt to bring the cost of maintaining unpaved roads into line with that of paved roads, according to Ralph Magid, director of public services.

"Whenever you provide a service and then take it away, it's hard to explain with other priorities," Magid says. "But in terms of cost ratio, there's no question in my mind that if we take \$70,000 out of chloride we can find better sources for that money."

PATCHING, paving and generally maintaining paved roads is one of Magid's priorities, he says. Although paved roads outnumber unpaved roads by a slight majority in the city (106 to 80), gravel and dirt roads take a disproportionate amount of maintenance money.

Of the approximately \$500,000 allotted from Oakland County for road maintenance, 61 per cent was allotted to unpaved roads last year. That percentage is expected to increase by about three per cent this year if the city retains chloride treatment costs.

"Some subdivisions opt out of the chloride by going to oil, and then they'll be able to opt out of the special assessment as well," Magid explains.

The city must create a special assessment district and establish a public hearing on cost and necessity. Legal notices must be filed within a tight time frame, since chloride treatments should begin in May, he adds.

A homeowner on a 100-foot frontage lot will probably pay between \$11-13, he says. That figure represents an average unit price.

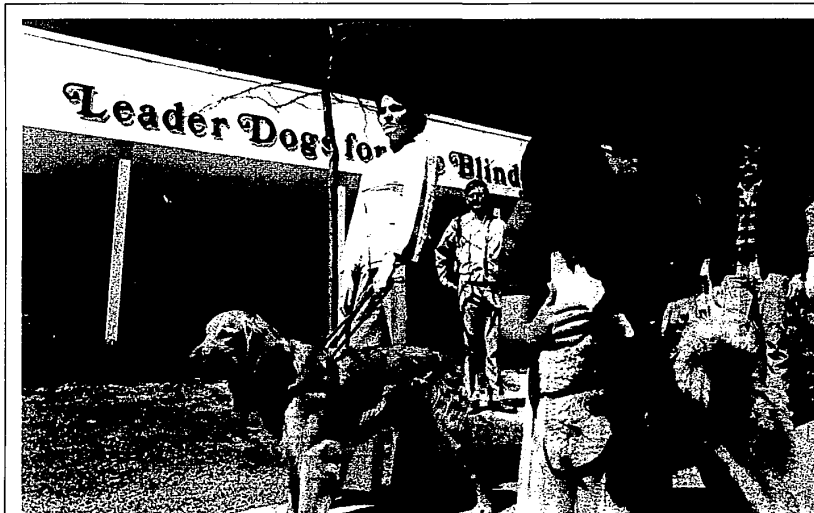
"That way homeowners on cul-de-sacs and corner lots won't be penalized for front footage," he adds.

THE CITY receives a total of \$1 million from the county for roads, half of which is devoted to major road construction, including reconstruction, widening, and participation in Oakland County, state and federal programs. Five-hundred thousand dollars of the road funds are allotted to the 196 miles of local roads.

The city wants to devote those sums to upgrading the roads, rather than simple maintenance such as chloride treatments, Magid says.

"What we're finding out over the past four years, is that we're in a bind in trying to provide minimal maintenance and correct deficiencies. "Some of the paved roads weren't built to a good road standard to begin with, and the weather conditions contribute to deterioration."

Last year the city had a limited three-treatment program, amounting to about \$41,500 for major and local roads. This year's program for live chloride applications projects about \$105,000 for local roads and \$17,000 for major unpaved roads.



### Newly found friends

For a blind person, a leader dog provides more than substitute eyes. A warm friendship often develops between the dog and its new master, forming a bond that usually lasts the rest of the dog's life. Since opening in 1939, Leader Dogs for the Blind School has matched nearly 3,000 blind persons with 5,000 leader dogs. Recent student-leader dog teams included Jeanne Bennett (left) and her dog Oliver

and Jose Parades and his dog Nikki. Trainers Dan McDonald and Steve Solvold are in the background. This is Leader Dog Week and an open house is scheduled for 1-3 p.m. Saturday at the Avon Township school, Avon and Rochester roads. For a closer look at the world renowned school, watch for Thursday's business page. (Staff photo by Doug Bauman)

## Revolt looms

## Hills treasurer predicts tax hike

By MARY LOU CALLAWAY

If you didn't receive a raise bigger than 10 per cent in the past year, your spendable income may be decreasing. And higher taxes is the reason.

That's what Farmington Hills Financial Director Girard Miller told about 50 members and guests of West Bloomfield-Farmington Hills Area League of Women Voters (LWV) at its annual luncheon last week.

Miller says people all over the country and the state are close to a tax revolt. Reform in public financing has been neglected because of the complexities of the tax laws.

"Michigan has a feast or famine economy. It's part of our heritage tied to the auto industry. Property taxes are rising faster than income. West

Bloomfield has been especially hard hit," said Miller.

He also predicts higher taxes next year in Farmington Hills. "When we were a township, we had relatively lower taxes. When we became a city, we were saddled with substantial financial start-up costs," Miller said.

"We've become federal funds junkies. Grants have become big business."

LOCAL GOVERNMENTS may become dependent on federal revenue sharing, Comprehensive Employment Training Act (CETA) and HUD (Housing and Urban Development) Community Block Grants, warned the financial director of the state's newest city.

"There is real danger that CETA funds may diminish or disappear which means faster in Farmington Hills.

CETA accounts for 25 per cent of the city budget. Thirty per cent of city employees are paid by CETA," he added.

"Property tax is here to stay. It is a stable tax, a regressive tax. Education revenue should be financed with property tax since the quality of education is tied to home values."

Oakland County's \$580 per capita debt is one of the state's highest and Miller says it's a detriment to high bond ratings.

He attributes the cause to necessary water, sewer and road projects for the newer, growing communities.

"I'd like to see somebody take on state financing before we are all washed away in a flood of paper."

His wish to see better local budget reporting to the public struck a response from LWV members from Farmington Hills.

They claim they find it hard to get understandable budget reports.

## Hillel students conduct seders

In preparation for the Passover, the students of Hillel Day School of metropolitan Detroit will be participating in model seders at the school.

The public is welcome to attend the Jewish ritual at the school, 32300 Middlebelt, Farmington Hills, on April 17-18.

On Monday, there will be two seders. The kindergartners will have theirs at 10 a.m. and the first graders will have one at 1:30 p.m.

On Tuesday, the second through fourth graders will have a combined

seder at 10:30 a.m. At 1:30 p.m., the fifth and sixth graders will conduct the religious ritual.

The ten-year-old youths have invited a busload of senior citizens from the Jewish Welfare Federation Apartments to be their special guests as part of the friendship program which has developed between the two generations.

All of the seders will be complete with the customary prayers and songs. The Hillel Parent-Teacher Organization is furnishing the traditional Passover foods.

## City, Hills, school board meeting agendas set

CITY OF FARMINGTON  
Council meeting  
8 p.m., April 17  
23800 Liberty

A progress report on the Valley View condominium reconstruction and presentation of a zoning non-conformance study which outlines all non-conforming uses in the study will highlight the meeting.

Also included on Monday's agenda are an informational report on zoning non-compliance of Federal Department Store; a report on the proposed split of property at Drake and Grand River to accommodate an office building; a request from the owner of Tail Pines subdivision to eliminate sidewalks from the site plan; and a request for enlarging the Realty World sign for the building in the Central Business District.

The council also will establish a public hearing on the proposed

water system improvement and establish Mayor's Exchange Day. Mayor Richard Tupper will exchange places with the mayor of Plainfield.

FARMINGTON HILLS  
Council meeting  
7:30 p.m., April 17  
31555 Eleven Mile

A series of public hearings will begin the special council meeting. Council will consider the introduction of amendatory ordinances:

\*A request to rezone property located on the north side of Nine Mile west of Orchard Lake from high density multiple to low density multiple proposed by the Farmington Hills Planning Commission.

\*A request to rezone property on the west side of Middlebelt at the rear of Labor Zionist building and

Farmington Hills Baptist Church from single family to multiple residential proposed by James DeMare.

\*A request to vacate an alley in the Fleming-Roseland Gardens subdivision proposed by petitioners.

\*A request to rezone property located on Howard Rd. between Halstead and Haggerty from single family to light industrial proposed by Albert Siefman.

\*A request to rezone property located between Eleven Mile and Gramercy Court from single family to multiple proposed by the Farmington Hills Planning Commission.

\*A request to rezone property on the southwest corner of Eleven Mile and Middlebelt from office service to multiple proposed by Albert Siefman.

Council also will consider a amendment to the site plan on a consent judgement granted the Diamond Lake Co.

Proposed amendments to the zoning ordinances general provisions regarding site plan, off-street parking layout and requirements, and construction of language and definitions for site plans will be considered as well.

New business to be considered include a request for a parade permit for May 7 from Kenbrook Parent-Teacher Association and a request for a carnival permit for July 14, 15, and 16 from Holy Cross Greek Orthodox Church.

BOARD OF EDUCATION  
Farmington School District  
8 p.m., April 18  
32500 Shilwassee

An election resolution for the June 12 election and additions to the layoff lists of teacher personnel will highlight the regularly scheduled board meeting.

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### ANOTHER SEASON

Resident expert sports editor Tom Baer gives us the lowdown on the girls' high school softball season. To see what Baer has to say about this year's season, turn to sports, Section C.