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Business goes on offense in video ordinance war

By M.B. Dillon Ward
staff writer

The City of Farmington Hills has been sued by four parties who charge that the city's video game ordinance is unconstitutional.

The Fun Factory, Tally Hall, The Broadway Market and McFrock's Saloon all have filed separate lawsuits in recent months.

The ordinance, currently being revised, stipulates that:

- Owners must pay a \$100 licensing fee per machine. Prior to Jan. 1, 1982, the fee was \$2.

- Coin-operated amusement devices, when accessory to a principal use, shall be limited to one machine per 750 square feet of gross floor area of the principal use.

Accessory use is defined as "the use which is clearly incidental to . . . and located on the same zoning lot as the principal use to which it is related."

Video machines are prohibited within 600 feet of a residential district, according to the city code.

Fun Factory owner Alfred Dinverno claims the \$100 fee is "excessive and confiscatory" and said the fees will force him out of business.

Dinverno has refused to pay the city \$5,500 in licensing fees pending the outcome of the case. He is seeking damages in Oakland County Circuit Court. Tally Hall and The Broadway Market have challenged the accessory use clause of the ordinance. Both wish to construct a video room while the city insists only one machine per 750 square feet is permissible.

ATTORNEY THOMAS Rosenberg tried The Broadway Market case in Federal District Court claiming numerous "deprivations of federal rights due to inability to operate a video room."

He expects a decision from U.S. District Court Judge Thomas P. Thornton within a week.

"The city is treating video arcades like X-rated theatres without giving the opportunity to arcade owners to show

'The city is treating video arcades like X-rated theatres without giving the opportunity to arcade owners to show they'll be operated in a constructive way.'

— **Thomas Rosenberg**
attorney

they'll be operated in a constructive way," Rosenberg said.

"The city totally deceived us," added Bernard Schrott, owner of the Farmington Broadway Plaza shopping center.

"They gave us a certificate of occupancy and a building permit, and both were issued based on the knowledge that we would have video games. Many of our tenants wouldn't have built here

if they'd known video games wouldn't be allowed.

"Then the city refused to issue us an industrial license for each game. It's ludicrous."

McFROCK'S SALOON was issued ordinance violations for operating video machines within 600 feet of a church.

Filed in Oakland County Circuit Court, their complaint charges that the

ordinance "is a violation of constitutional rights, is discriminatory and exceeds reasonable governmental powers."

The case is on hold pending approval of the new ordinance.

Proposed video rooms in The Broadway Market and Tally Hall constitute primary use as opposed to accessory use, according to Bill Costick, assistant city manager of Farmington Hills.

"If each individual business had a machine, it would be considered accessory use. But an arcade is considered primary use just as any other store or restaurant would be," Costick said.

Both Dinverno and Rosenberg expect the \$100 licensing fee to be struck down since legally the fee "must bear a reasonable relationship to the cost incurred by the city to administer, inspect and monitor machines."

"What it is is a 5,000 percent increase and a heavy, burdensome tax," Dinverno said.

But Costick considers Farmington

Hills' licensing fees reasonable when compared with other communities.

"We're spending a lot of time on it (the revision of the video game ordinance) now. We have costs — there's no question."

Dinverno claims the city's policies are based on fear.

"The city is afraid we're going to steal children, their lunch money and their minds. The truth is, an arcade gives youth a chance to congregate without getting into trouble."

"We're coming into the computer age, and by using their minds and bodies in an arcade, they're learning to use computers."

Counters Costick:

"One of the concerns is why control arcades? It's because of the tendency for lots of people to loiter — the same reason they used to control pool halls in the old days."

"Our primary concern is — does loitering infringe upon the rights of other businesses and neighborhoods?"

New center considered by council

Farmington City Council members will decide tonight whether to rezone 7.5 acres of land at the southeast corner of Nine Mile and Farmington Road from office to commercial use for a new shopping center anchored by a Farmer Jack store.

The rezoning was recommended last week by the city's planning commission despite protests from about 25 residents of Farmington and Farmington Hills who would like to see the existing Farmer Jack supermarket at Farmington Road and Liberty remain open.

Residents also were worried about increased traffic at the new site. Officials of Borman Foods, Inc. say the old store is too small to make a decent profit in light of rising labor costs and competition that offers more merchandise in their expanded stores.

The existing store has 18,900 square feet of space. The proposed store would have 41,000 square feet available for display and storage.

City Manager Robert Deadman predicts council approval of the rezoning request based on the amount of study done by the planning commission and its appointed sub-committee.

He said he couldn't remember the last time the city council failed to approve a project recommended by the planning commission but added that in these days of declining building activity there have been few projects coming up for review.

"I DON'T RECALL the last time (city council didn't confirm the planning commission's decision)," Deadman said. "There's been so little rezoning in the last few years."

The last major rezoning issue came about when the senior citizen center was built, Deadman said. And, even though the project generated so much public controversy that council members were forced to meet in the high school to accommodate the crowds, he said the city council unanimously approved the project recommended by the planning commission.

While the project developer of the proposed shopping center initially requested a C-3 zoning designation, planners have recommended a lesser C-2 zoning with a buffer zone of offices separating the shopping center from apartments located behind the property.

The recommended zoning doesn't allow the developer to build a fast-food restaurant on the site or permit outside sales such as a nursery or car lot.

Much of the initial criticism to the plan from downtown Farmington merchants was muted when the developer, Wetherford/Walker, met with city planners and agreed to drop plans for a large drug store (Perry Drugs) and hardware store (Aco) on the site.

There are two hardware stores and three drug stores located within a mile from the proposed project.

Rick Walker, partner in the development firm, said his firm will purchase the existing food store and convert it to a retail facility selling goods other than food.



RANDY BORGSTADT/Staff photographer

Robert Wahrenbrock has discovered moving to Texas has two sides to it. The weather is nice — especially when compared to Michigan's blustery winters. Having a dependable job also is great. But the bugs, humid weather and racial prejudice offer a dimmer picture.

Texas job hunter finds new life mixed blessing

By Craig Piechura
staff writer

Like latter-day pioneers, last June the Wahrenbrock family left their Farmington Hills home without looking back.

Instead of a Conestoga wagon, their transportation was a Volkswagen microbus. Their destination was Dallas, in a search for economic stability.

Today, 10 months later, the Wahrenbrocks have settled into a southern lifestyle — even going so far as to call their newborn son, Bob Jr., "B.J." as any authentic Texan would.

While Texas is currently experiencing what its editorial writers call an economic downturn, Wahrenbrock tells his Michigan friends there still is work for many in the technical field.

"There's been a little turn-down in general help, but for technical positions there is still 30-something pages in the Dallas Morning News and Dallas Times-Herald classifieds."

"If people from Michigan are going to come down, you should research the marketplace before you leave," he said. "Go to the Little Professor bookstore in Dearborn, get the Dallas Morning News and the Houston Chronicle and the San Antonio Light. Those are the papers that best reflect the job market."

Wahrenbrock's successful attempt at relocating his family and finding a new job has been profiled in the pages of the New York Times. Reporter Iver Petersen picked Wahrenbrock as a model Michigander who left to find work in the Sun Belt. More than a dozen articles have appeared in the Times' national edition, updating the

exploits of the former Farmington Hills resident, his wife, Patricia, daughter, Mindy, and five-month-old son, B.J.

WAHRENBROCK met the reporter for the New York Times when he went to the Dearborn bookstore to buy Texas papers for their classified ads. Later journalists for NBC, ABC, CBS and National Public Radio picked up on the story and interviewed Wahrenbrock on some of his various trips to the bookstore. The big run on Texas papers has passed, according to bookstore officials, but the interest in how the job pioneers fared continues.

All is not rosy, Wahrenbrock said. He's not thrilled with the amount of bugs that thrive in Dallas' humid climate.

"Teaches are a normal thing around here," he said. "Tarantulas — there's a few of them. Every so often you look up at the living room wall and go 'oooh' because there's something big crawling around."

But the weather is also one of the reasons the Wahrenbrocks aren't planning to return to Michigan.

"One day last winter, February or January, some old friends called from Detroit asking how everything was. I told them 'Well, I'm standing on the back porch, in cutoffs, no shirt, no shoes.' They almost died."

While admitting that he never viewed himself as a civil rights activist, Wahrenbrock finds it disturbing to hear so many Texans spout racist rhetoric and openly discriminate against blacks and Mexicans.

"**RACIAL PREJUDICE** is very strong down here," Wahrenbrock said. "You can't go away from the city and not see it. In a small town in Texas you hear it everywhere you go. If a white man and a black man walk into a restaurant at the same time, you can be sure the white man gets waited on first. And they treat Mexicans worse than the blacks."

Economic stability is what caused the Wahrenbrocks to move, and Wahrenbrock thinks he's found it in Dallas. He's still earning less per hour than he made at his Michigan job — at Gam-Rad Inc. of Novi — but he's working a full 40-hour week instead of the 32-hour week he averaged in Michigan.

"I've gotten two raises since I started," Wahrenbrock said. "So my base, with bennies (benefits), is a little bit better than I made in the past."

Employed as a quality inspector in the pipeline monitoring business, at Electronic Flo-Meters of Dallas, Wahrenbrock inspects equipment designed to measure the amount of gas, oil, water, or steam passing through pipes.

The biggest demand the company fills is for devices called custody transfer meters which keep tabs on the flow of oil transferred from one company's pipeline to another's.

In Novi Wahrenbrock worked as an inspector of wastewater monitoring equipment and made between \$25,000 and \$30,000 a year.

This year his Texas earnings should be closer to \$25,000, Wahrenbrock said.

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All this time, still no signs of the crimes

By M.B. Dillon Ward
staff writer

One flesh-freezing day last February, my editor belittled out one of his annual requests.

"Go over to the cop shop and get the crime statistics for last year," he commanded in his mild-mannered way.

"Easy enough," I thought. After all, police departments in just about every other city around were telling the grim tale of last year's crime.

Little did I know what an adventure I was embarking upon trying to gather facts for what I considered a rather routine story.

Repeated visits to the police department and countless phone calls yielded responses like: "Check back in a couple of weeks."

Later it was, "It's right down to the wire — should be ready shortly."

By April 15, I figured "shortly" had to be up.

Canton, Troy and Redford Township all issued crime reports in January.

Newspapers printed crime statistics from Westland, Avon Township and Plymouth in February.

The Federal Bureau of Investigation issued a two-page report detailing crime in 50 metropolitan areas throughout the country March 31.

By now, how could similar information for Farmington and Farmington Hills, a 38½-square-mile area, still be unavailable?

It is. Ring, ring, ring.

"Hello, Farmington Hills Police."

"Hello. This is Marybeth Dillon (beep — every call to the police is taped) Ward from the Farmington Observer. I was wondering (beep) if the crime report for 1981 is completed."

"I think (beep) I saw the cover of it, but I'll connect you (beep) to Inspector Godwin's office. That's their baby."

Ring, ring, ring.

"Inspector Godwin's office."

"Hello. This is Marybeth Dillon (beep) Ward calling from the Farmington Observer. I'd (beep) like to know if

the 1981 crime report is (beep) finished."

"Do you know when it will be?" "Probably a (beep) week from today."

"Who's in charge of (beep) it?" "I don't know."

Beep — beep — beep. (The police department has Muzak to hold by.)

"I just talked to the chief's office (beep) and until it goes to Common Council, it's (beep) still being put together."

She probably meant to say City Council. Anyway, I'll call the chief's office. Maybe I can make some headway.

"Chief Nichols is in (beep) meeting, but perhaps I can help you," answered Inspector Richard Niemisto.

I repeated my line.

"I think (beep) the report is just about completed. The covers are done, we're (beep) just waiting for it to be printed up."

"Do you (beep) know when it will be available?"

"Don't know for sure, but (beep) I'll find out."

Beep — beep — beep.

"Hi. Hopefully we'll be presenting copies the 28th to the City Council and (beep) releasing the reports the 27th. We changed the (beep) format this year so it has taken us a little (beep) longer to put it together."

"Why is it (beep) necessary to wait until the council sees it?"

"That's (beep) basically the way the chief wishes to present (beep) it."

CRAIG PIECHURA, my fellow reporter, has had a similar experience in trying to obtain the Farmington 1981 crime report.

"The raw data is done, but (beep) I don't have the narration done," Farmington Public Safety Director G. Robert Seifert told Piechura Thursday.

"Part of the holdup is (beep) getting state and federal data to compare ours

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Private Property Rights

Years to Protect