

# Farmingington Observer

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## Lawsuit puts Dems at odds in Senate race

By M.B. Dillon Ward  
staff writer

A lawsuit filed by Alan Feuer, a 15th District Democratic candidate for state senator, challenges the right of incumbent senators Jack Faxon, (D-Detroit) and Dana Wilson, (D-Ferndale) to be on the ballot.

Feuer filed suit in Oakland County Circuit Court, charging that Oakland County Clerk Lynn D. Allen unlawfully allowed two unqualified (non-resident) voters (Faxon and Wilson) to file for nomination. Feuer claims the two did not meet the Michigan 30-day voter residency requirement in time to file for the nomination.

A show-case hearing has been scheduled for July 7 before Oakland County Circuit Judge Robert Anderson. But Faxon and Wilson claimed they

had residences in the district in sworn statements when filing June 15. Both were last elected from residences in other districts.

FAXON IS president pro-tem of the Senate and has represented Detroit in Lansing for almost 18 years.

Wilson was elected to the Senate in a special March election that filled a vacant seat. He served as a state representative from 1976 through March of this year.

In addition to Feuer, Faxon and Wilson, three others filed in the 15th District Democratic primary: Jacki Kaye Work of Ferndale and Philip Marcuse of Huntington Woods.

The recently reapportioned 15th District includes the cities of Ferndale, Oak Park, Huntington Woods, South-

field, Lathrup Village, Farmington, Farmington Hills, Novi, Wixom and Northville.

"The law and the constitution give us all the right to elect our own senators and representatives," said Feuer. "These senators seem to believe that their desire to keep a job is more important than our right to elect our own legislators."

"They are willing to violate the Constitution and flout the law to keep their jobs," added the former executive director of Michigan Common Cause.

Feuer's attorney, Thomas Ochmke, labels Wilson and Faxon "carpet-baggers," exercising what they consider their "God-given, deistic right to office."

ACCORDING TO Michigan law, candidates must establish residency in the district in which they wish to run 30

days prior to the filing date.

The attorney general's office, however, issued an opinion June 11 rescinding that requirement.

"The gist of our opinion is that for the August 1982 primary, a person seeking the office of state senator or representative must be a registered elector of the legislative district from which he or she seeks nomination on or before June 15, 1982, the last date for filing petitions or payment of filing fees for such offices," said Michael Shore of attorney general Frank Kelley's office.

The opinion was issued due to the excessive amount of time taken by the Michigan Supreme Court to resolve the state's legislative districts, required after the 1980 census.

Faxon negates Feuer's charges as "one person's way of trying to gain ac-

tion for his candidacy. I don't think too many people have their native soil in south Oakland County."

"And I don't think too many people will view me as being an alien because I come from the same place as most of them do. Can you imagine saying to Dr. Einstein, 'You can't leave Germany. Don't come to America.' He came in, and we gained from that. Eight Mile Road is not the Iron Curtain."

WILSON CALLED Feuer's charges "not worth commenting on."

"I think we'll be successful (in the suit). The law's on our side. The attorney general's statement is law as of right now," said Wilson.

"I'm well-qualified for the job due to my experience as state representative and county commissioner (1974-1976). I was recently elected as state senator,

and I feel I'm capable of doing the job that needs to be done."

Judge Anderson called the residency fray "not an unusual thing to happen" after reapportionment.

Faxon agreed:

"If this suit were successful, which I doubt it will be, it would hold up elections throughout the entire state because many people have had to do the same thing."

"I think people ought to make the choice. If voters are dissatisfied with where a person comes from, they can vote against that candidate. I've always believed in an open race that provides as many options as possible."

Counters attorney Ochmke: "I think we'll find the courts saying you have to at least live in the district for 30 days if you want to run for office, just like Michigan law says."

## Council vote on balloting gets legal eye

By Craig Plechura  
staff writer

The legality of a secret ballot process used last Monday by Farmington City Council members to appoint Bayard Tupper as councilman is being studied by City Attorney Robert Kelly.

Kelly has been asked to provide council members with a legal opinion on the vote, confirmed City Manager Robert Deadman. Deadman said Kelly's opinion on the matter should be announced prior to the next scheduled City Council meeting of July 6.

The Farmington Observer received an opinion last Tuesday from a member of Attorney General Frank Kelley's staff stating that the vote violated provisions of the state's Open Meetings Law. The newspaper asked for the opinion following council member's refusal to disclose which of two candidates nominated for appointment they voted for in a secret ballot.

Council members defended the secret ballot at the time saying that it was being done to avoid future conflict with the new councilman over failure to support him in the appointment vote.

Kelly has ruled such secret ballots violate the state Open Meetings Law because the procedure "prevents members of a public body have voted . . ."

A VACANCY on the city council was caused by the May 17 resignation of Richard Tupper who quit to devote more time to his mirror-door business in Florida.

In selecting an appointee to serve the remaining 3 1/2 years of Tupper's term two names were introduced at last Monday's council meeting — Bayard Tupper, 76, who is Richard Tupper's father, and John Washburn, a member of the Farmington School Board from 1965 through 1971.

After two deadlocked rounds of secret balloting in which the elder Tupper tied with Washburn at two votes apiece, Tupper was appointed by a 3-1 majority on the third try.

The vote was done by having council members hand the city clerk unsigned, folded slips of paper which acted as votes.

The ballots weren't signed making it impossible to determine which candi-

date each councilman voted for. It is assumed that Councilman Ralph Yoder, who nominated Tupper, voted for Tupper and William Mitchell, who nominated Washburn, voted for him.

It can be hypothesized that Mayor Alton Bennett voted for Washburn because he stated before the vote that he was leaning toward backing Washburn or Rela Moshamer and she wasn't in the finals. That would mean that Bennett switched to support Tupper in the third vote — if the theory is true.

COUNCIL MEMBERS can avoid a citizen lawsuit over the vote the attorney general has determined is illegal by voiding last Monday's vote and voting again.

Councilman Yoder suspects that is what will happen if the city attorney determines the secret ballot vote was illegal.

"I hadn't given it any thought," Yoder said, "but we'd probably vote again, I'd imagine."

Yoder said he suspects the elder Tupper will be appointed again at the next meeting by a legal ballot procedure "if we erred."

Tupper says that in his 17 years on the Farmington City Council he can remember other instances where secret ballots were used — particularly to appoint one council member to the post of mayor.

But the 1981 appointment of William Mitchell, Yoder said, was done by unanimous vote because his name was the only one considered by council.

The subject of all the controversy, appointee Bayard Tupper, says he can't understand why anyone would care who voted for him.

Even if he hadn't been selected Tupper says it wouldn't have bothered him.

"It didn't make too much difference to me, I've got plenty of jobs now," Tupper said.

He didn't celebrate his appointment to the council prematurely, he added, explaining that he marked the occasion by going to bed early.

When the vote is legally determined and he can serve, Tupper says the first order of business he'd like addressed is solving traffic problems at Nine Mile and Farmington Road.



RANDY BORST/staff photographer

An overwhelming variety of fireworks is available at local stores. This display at Smith Rexall Drugstore, which Amy Boji manages, is an indication. Police warn, however, against buying illegal fireworks.

### Some are confiscated

## Illegal fireworks abound in town

By Craig Plechura  
staff writer

Fireworks that spin, fly or explode are illegal in Michigan but available at many stores in Farmington and Farmington Hills.

"Because Michigan's Fireworks Law is stricter than the federal statute many merchants who sell fireworks and persons who buy them are uncertain about just what's legal and what's not."

The dizzying array of items on the market along with misinformation sometimes disseminated by police and fire officials adds to the confusion.

"If we had anything to hide we wouldn't put it right out on the counter," says Amy Boji, manager of Smith Rexall Drugs at Eight Mile and Grand River in Farmington Hills. "We sell it

because we understood it's legal."

While most of the fireworks being sold in the store are, indeed, legal, some items being sold, such as a flying helicopter called "Planes Flying at Night," are illegal, according to Sgt. Stan Black of the Michigan State Police fire marshal division's hazardous materials unit.

While all the fireworks at Smith Rexall are displayed on the sales counter, similar flying objects were confiscated from under the counter at Grand Q Party Store in the city of Farmington by police last Monday.

Illegal fireworks confiscated included 10 "Planes Flying at Night" devices, four dozen "Flying Whistle Helicopters," five "Red Lantern Parachutes," 51 items called "Gemini Missile with Launcher" and 12 dozen "Air Travel with Report" bottle rockets.

POLICE OFFICERS, responding to a tip, told store employee Salim Youssif Qarana, 24, of Southfield that they were doing a "routine liquor inspection" of the store. During the inspection police officers say they spotted what turned out to be legal fireworks behind the counter. Upon further search illegal fireworks were found, police said.

Qarana's brother, Saad Qarana, 28, of Southfield, says police should have obtained a search warrant before the store was searched. Farmington Det. Charles Lee says no warrant is required when police act as inspectors for the Michigan Liquor Control Commission.

If convicted on the misdemeanor charge, Qarana could face a maximum penalty of 90 days in jail and a \$100 fine under the state statute for possession and sale of fireworks.

Amy Boji, the manager of the Smith Rexall Drugstore says police have been in the store to inspect the fireworks display and approved all items being sold.

Farmington Hills Fire Marshal Bill Gearhart wasn't sure what the law says about flying objects such as "Planes Flying at Night."

"Flying objects?" Gearhart says. "I don't have any bulletins on these. I'll have to call the state fire marshal. They could be dangerous, then again they might not be dangerous. We've got to be careful. Store owners could take us to court and crucify us if they find they're legal."

Gearhart says it's always been his understanding that any Class C fireworks containing .025 grains of fire-

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## How businesses thrive in bad times

By Diane Hofess  
special writer

Partly as a result of high unemployment and money-saving efforts of consumers, several Farmington businesses are prospering. Among them are print companies, libraries, the Army, equipment rental companies and auto parts stores.

Unemployment in Farmington was 12.2 percent in April, while Farmington Hills unemployment was 9.9 percent, according to Ms. Brenda Nijwaji, economic analyst for the Michigan Employment Security Commission's Bureau of Research and Statistics.

To put these figures in perspective, Michigan's April unemployment was at 15.5 percent, and national unemployment was at 9.4 percent, said Ms. Nijwaji.

As a result of unemployment, "The rene printing business is very good," said Ralph Delmotte, owner of Speedy Printing in Farmington. "We also do a lot of printing for new businesses that are starting up and replacing old ones that fail."

The demand for business cards is up, too. Because husbands are laid-off, said Delmotte, wives are getting business cards printed up to do work such as clothing alterations.

Concurring with Delmotte was another Farmington print shop owner. There's been a growth in demand for resumes and business cards in the last year "with the economy the way it is," said Mrs. Sue Managala, co-owner of Postal Instant Press.

BOTH PRINT SHOP owners say the economy is not the only reason for in-

creased printing business. Satisfied customers pass on the word, they said. In addition to print shops, Farmington's community libraries are prospering at a rate inversely related to the national economy.

"The increased use of the library is related to adverse economic conditions," said Gordon Lewis, director of Farmington community libraries. Library material circulation increased from 465,000 in 1980 to an anticipated "well over a half-million" for this year, said Lewis.

"When the economy goes down, library use goes up," said Denise Moll, librarian.

"More people come to the library for material to help them find jobs, businessmen look for financial and investment information, and others want do-it-yourself and home improvement

types of books," said Moll. Besides the economy, Lewis and Moll attribute increased library use to improved reference services, promotional work, and the high level of education in the community.

Along with library circulation figures, Army recruit figures are also up. Recruit figures increased by about 25 percent over the last year, for the Farmington Army Recruiting Station, according to Sergeant Fluminerth, U.S. Army recruiter.

THE SERGEANT attributes this high percentage increase to several factors. "Unemployment is a part of it. Also individuals are becoming more self-reliant, wanting to do things for themselves." He named the Army Col-

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### what's inside

