

Reprimand expected — mayor

By Joanne Maliszewski
staff writer

Farmington Hills city attorney Harold Larson is expected to receive a letter from the city council expressing displeasure over tree-cutting on his vacant acreage about a week before the city's new tree protection ordinance becomes effective.

Mayor Terry Sever is reviewing the letter, expected to be written by the city council at tonight's regular 7:30 meeting.

"I'm not sure it's going to be a firm reprimand. What I indicated to the council — because I'm not sure what they're looking for — is I would draft a letter indicating our displeasure with his judgment," Sever said.

In late February, Sever said he was satisfied with Larson's written

explanation to the city council about the trees he had removed on six acres off 12 Mile, east of Halsted. Sever said he didn't feel Larson ravaged the land in violation of the new ordinance protecting the city's remaining trees.

But Halsted resident Bernard Ludwig is challenging Larson's explanation and the lack of any type of reprimand.

Ludwig said he would be satisfied with a city council-authorized letter to Larson. "I think that's the best answer. It would put the city on record as not approving of what he (Larson) did."

Larson said he believes continuation of the issue "makes no sense at all. I think it's the same voice being heard. I am convinced there's no way Mr. Ludwig will be satisfied. As far as I am concerned, this is going

beyond what is reasonable."

Sever said he doesn't fully agree with Ludwig. "I thought the facts were out. But I recognize Bernie Ludwig is a citizen and it's a sincere concern of his. I do not feel any differently about it. I would prefer not to write the letter."

SEVER SAID he feels the issue "is really a difference of opinion and concern. I really don't think we'll know the full story on it."

Some city council members were surprised by Larson's actions because his firm wrote the tree ordinance and he was aware when it would take effect. Larson began removing the trees about two weeks before the ordinance's Feb. 13 effective date.

Ludwig said he was disappointed

with the mayor's and council's lack of action after Larson wrote his letter of explanation in late February. "The mayor defended him. He asked for a letter. He wrote a letter. The mayor commended him for being so open," Ludwig said.

Ludwig also is upset because Larson was not reprimanded, but councilman Ben Marks was criticized because he made the tree cuttings public at the end of the Feb. 20 city council meeting. Sever said he would have preferred to have all the facts before the matter was publicized.

Larson told the Observer that tree removal began about two weeks and was completed about one week before the ordinance's Feb. 13 effective date.

"HE DIDN'T start until the ordinance was approved (enacted Jan. 23). He got around the ordinance. It's like inside trader information," Ludwig said.

Larson's Farmington Hills firm, Larson, Harms & Weight, became the city's legal representatives last year when longtime city attorney Paul Bibeau disbanded his firm, Brennan, Bibeau & Pochlman, and joined Larson's.

The city's contract with Larson's firm will be up for renewal later this year. At that time, the city council may consider whether the tree issue has an effect on the city's relationship with the firm, Sever said.

Despite the controversy, Sever said he still supports Larson. "Harold is a person I know I can trust. If not, I wouldn't politically risk myself. I feel he is an honest person. But I want to face the issue head-on," Sever said.

Board releases attorney's report

Continued from Page 1

Wittenberg said Tuesday, minutes before trustees agreed to release the legal report.

The board's decision to release the report was not without discussion or opposition. Concerned that the release would set a precedent, trustee Janice Ronick opposed the board's motion to make the legal report public.

"I would be against that motion because all of our attorney's time dealing with district problems and issues . . . is paid with taxpayers' money. And we do have attorney-client privilege," she said.

TRUSTEE SUSAN Rennels disagreed. "I see no reason not to release this particular opinion. I don't think it sets a precedent in any way."

Wittenberg and fellow company economist Patrick Anderson requested the legal report from district administrators March 3 under the state Freedom of Information Act.

On March 8, district administrators refused the request from Anderson and Wittenberg, after the two had twice requested the report verbally.

The district claimed the report was privileged information between the district and its attorney. The denial was based on portions of the Freedom of Information Act relating to attorney-client privilege.

In granting the request, school trustees said they supported the manner in which administrators handled the request. Trustees said attorney opinions aren't released lightly.

Trustee Jack Inch was concerned about exactly how the report would be released. "I object to it being available to one corporation before anyone else."

The report was released immediately, with copies available at the meeting to anyone who wanted one.

THREE DAYS after obtaining the report, Wittenberg challenged the validity of the Sept. 9, 1988, date on it. In a March 24 letter to board president John Cotton, Wittenberg said the date was altered. He also asked two questions:

- "Why was a public document obtained by me, from the Farmington Public School District, altered before it was released by the board?"
- "What was the actual date on the letter?"

Both board president Cotton and school district attorney J. Kingsley Cotton Friday denied any known alteration to the document.

"There's no subterfuge," John Cotton said.

Attorney Cotton said, "This is ridiculous. Mr. (Michael) Flanagan (deputy superintendent) has the original letter. I resent having to say this to you. I have a tissue and a carbon copy of the letter."

Resident blasts attorney's order to cut down trees

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More than 19 trees were removed because equipment brought in to do the job destroyed many others, Ludwig said.

"They had to cut down everything to get in there. What is left is really a token," Ludwig said.

Landmark trees are described in the city ordinance as those notable because of size, form or species. They are those larger than 24 inches in diameter. Most of the trees cut were 36-42 inches in diameter and some as large as 46 inches.

"We sincerely believed that rather than creating any negative impact, we were, in fact, assuring the future health and vitality of the woods," Larson wrote.

LUDWIG DISAGREES.

"It's not a matter of doing what other people on Halsted (with similar wooded lots) would — thinning a woodlot — or woodlot management. What he did was commercial logging."

Ludwig also questions two large clearings at the rear of the acreage. In late February, Larson said the two clearings are where the former house, in which he and his family lived approximately 20 years ago,

used to be, including a detached garage, yard, chicken coop and septic and drain field.

"In that open area, there might have been one of the trees cut from that general area," Larson said.

That area, Ludwig said, "was totally hemmed in by trees." Aerial photos show there were no clearings as there are today.

"The house was very tightly surrounded by the trees."

WHAT BOTHERS Ludwig is the public and media perception "that all Larson had to do was wait two weeks for the ordinance to go into effect and it would be all right."

Even if Larson had waited for the ordinance to take effect, the city attorney would have been unable to remove the trees, Ludwig said.

Larson's tree cutting, Ludwig said, would not be covered by any of the ordinance's reasons for issuing a permit to remove trees. The trees cut were not a safety hazard and did not completely prevent access to a lot, as cited by the ordinance.

LARSON SAID his goal is to sell the property for cluster housing, which the planning commission approved as an option for the acreage. One site plan for cluster housing was

denied by planning commissioners in November.

The removed trees would not have unreasonably prevented development of the lot, Ludwig said. Unreasonably preventing development of a lot is one of the reasons why a tree removal permit could be granted under the ordinance.

"He is making it attractive to builders because they are not going to be bothered with removing the trees," Ludwig said.

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