

State cooks up tough smoking rules for eateries

By Alice Collins
and Joanna Maliszewski
staff writers

Greene's Hamburgers owner Jake Jenkins can't imagine providing a non-smoking area in his small Farmington Hills restaurant.

"I think it would be impossible. I have one big open area. No one asks for non-smoking."

But under proposed state legislation, Jenkins would have no choice. A new bill would require larger non-smoking areas in restaurants and extend restrictions to the smallest eateries not currently covered.

Marcos Conte, owner of Marcos in Farmington's Village Commons shopping center on Grand River, doesn't anticipate any problem complying with stricter non-smoking regulations.

"I think it would affect us in a positive way. We already have half of the (80 tables) as non-smoking. We have a lot of non-smoking customers. They are quite adamant about it."

Anti-smoking crusader state Sen. Jack Faxon, D-Farmington Hills, who introduced the proposed legislation, may not be in for the same formidable opposition his bills faced in the past.

UNDER FAXON'S bill, restaurant

would have to post a floor plan approved by the state health department. Counter-only restaurants would have to post at least half of its seats for non-smokers. All other restaurants would have to provide at least 40 percent of their seating for non-smokers.

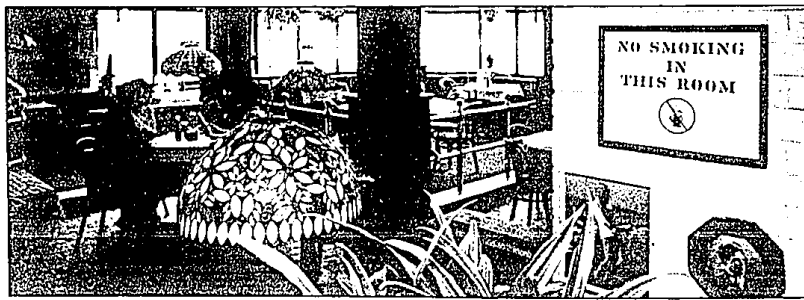
"We're already ahead of that," said David Hiddings, general manager of America's Pizza Cafe in Southfield. "Half of our restaurant is non-smoking now. That's what our customers want."

It used to be when a party of four came and one was a smoker the other three would go ahead and sit in the smoking section. That doesn't happen much anymore. The non-smokers say "No, you'll just have to sit with us." It's changing and that's great. It's democracy raising its head."

THE MICHIGAN Restaurant Association, which has fought anti-smoking laws in the past, opposes the new legislation but hasn't taken any action yet on Faxon's recently introduced bill.

Strongly opposed to Faxon's bill is Bruce Cameron, who owns four popular restaurants in the area — Double Eagle in Troy, Midtown Cafe in Birmingham, Road House in Orchard Lake and Conetti's in West Bloomfield.

His restaurants have 150 seats



RANDY ROBERTS/staff photographer

Max & Erma's in Farmington Hills has a room set aside for diners who don't smoke.

apiece, and he maintains the required minimum of 24 seats for non-smokers. Current law requires 12 seats for non-smokers in restaurants with a seating capacity of 50-100, 24 for those with 100-150 seats and 36 for those with more than 150 seats.

"Going to 40 percent non-smok-

ing would deter the owner the flexibility of running his business. It prevents him from using his total dining room," said Cameron. "Maybe 10 groups a night out of 80 groups want non-smoking," he said.

IN CONTRAST, two of the three large Max & Erma's restaurants in

the Detroit area — in Rochester Hills, Farmington Hills and Livonia — already offer at least half of their seating for non-smokers because that's what customers are asking for, said regional manager Robert Becher.

"The state requirements are very minimal. It doesn't surprise

me that there's a proposal in the works to increase them. More people are joining the non-smoking ranks."

Bob Artz, manager of the Farmington Hills Max & Erma's, offers 21 tables in the smoking section and 27 in non-smoking. "We've just gone with the demand over the years."

Senate bill opens door to 'rent-a-judge' alternative

By Tim Richard
staff writer

Ex-judges could be hired to mediate civil suits and speed up the court system under a bill passed Tuesday by the Michigan Senate.

"This court is so clogged, any useful alternative to traditional trial methods will be helpful," said Judy Cunningham, circuit court administrator in Oakland County. The Oakland Bar Association has been advocating many such alternatives to the costly, lengthy process of trying a civil suit.

"Corporate giants" would be most likely to hire such private judges to handle contract and takeover cases, said Sen. Richard Fessler, R-Commerce.

The bill was passed 33-2 and goes to the House. It was supported by all Observer & Eccentric area senators.

"The parties would have to agree on who the rent-a-judge will be," said Sen. Rudy Nichols, R-Westford, chair of the Judiciary Committee which reported out the bill.

"The list (of eligible ex-judges) has to be approved by the Michigan Supreme Court," said Nichols, saying the procedure has safeguards.

THE BILL was passed 33-2 and goes to the House. It was supported by all Observer & Eccentric area senators.

Opposed was Sen. Virgil Smith, D-Detroit, who said, "This bill would create a dual system of justice. Those who can afford it do not have to stand in line." He charged that only the rich could afford to hire private judges.

Replied Nichols: "No way can this bill create two systems of justice. A rent-a-judge's decision must be according to law and is appealable. It's just an alternative way to resolve a civil dispute."

Sen. Gil DiNello, D-East Detroit, voted no because "I don't think the person voted out of office ought to be put back."

"If a judge is defeated, it's no crime," replied Sen. George Z. Hart, D-Dearborn. "This is to provide relief for the courts."

THE SPONSOR, Sen. John Kelly, D-Grosse Pointe, said judges who have been disbarred or removed would be ineligible. He called the measure a way of shortening civil dockets.

"Look at the requests for new judges," Kelly said. "Look at the years and years litigants have to wait. We can use their (ex-judges) skills to unclog our civil docket."

Eligible would be retired or defeated Supreme Court justices along with judges of the Court of Appeals, the circuit courts, probate, district,

recorder's and common pleas courts. But the provision for allowing defeated judges to serve continued to bother some senators, even those who voted for the bill.

"When you look at the number of people who have lost (judicial) elections, there usually is a reason," said Sen. Lana Pollack, D-Ann Arbor, noting that judges, with their incumbent ballot labels, rarely lose.

"To assert they've done something tawdry or unethical — it's absurd," replied Kelly. "People get on the wrong side of political power plays."

FESSLER, A vice chair of the Judiciary Committee, said big cases which take a lot of time could be handled conveniently by hired judges.

"We had an Oakland county case between two corporate giants," he said. "We had to bring in a visiting judge. His work got behind. Every-one else in line is backed up."

"The benefit (of private judges) is that the taxpayers don't pay for litigation."

Nichols said the Senate passed a similar bill in 1987 but it failed to get through the House.

Currently, the Supreme Court assigns judges elected in one jurisdiction to help out in other areas where dockets are clogged.

And when the Court of Appeals needs help, the high court appoints retired justices and appeals court judges to fill in. It also assigns experienced circuit judges to the appeals bench.

police/fire calls

Listed below are some of the Farmington-area police incidents, fire calls and court cases reported during the past week:

- arrest assist**
A Farmington Hills undercover officer assisted Farmington police in arresting three men suspected of leaving a Farmington gas station without paying for gasoline and cigarettes early Thursday.
- After hearing a broadcast describing the suspected getaway car, officer Gary Mailloux, in an unmarked car, spotted a gray Chevrolet Cavalier without a license plate eastbound on Grand River at 2:20 a.m.**
- He alerted Farmington police and followed the car to southbound Middlebelt and eastbound Eight Mile.**
- A uniformed Farmington officer stopped the car at Eight Mile and Grand River, where he arrested the three occupants — a 23-year-old Farmington Hills man, a 19-year-old Bedford Township man and a Farmington Hills man whose age was not immediately known.**
- soliciting arrest**
A 33-year-old woman is charged with soliciting sex from a Farmington Hills undercover officer early Thursday.

The Farmington Hills woman was ticketed for soliciting sex as well as violating the controlled substance act when a heroin kit was found in her possession, police said.

She faces up to 90 days in jail and a \$500 fine if convicted.

According to a Farmington Hills police report:

While returning to Farmington Hills after a surveillance at 2 a.m., an undercover officer spotted a known prostitute flagging northbound motorists near Seven Mile and Telegraph. Earlier, she had been seen doing the same near Grand River and Middlebelt and near Eight Mile and Grand River.

The officer approached the woman and after a brief conversation, she got in his unmarked patrol car. When she propositioned him, he said he had to drive to an automatic teller machine at a bank at Grand River and Middlebelt.

At the bank, she described a sex act he could receive for a set price. He then motioned to other surveillance officers and she was arrested. A heroin kit was found in her purse.

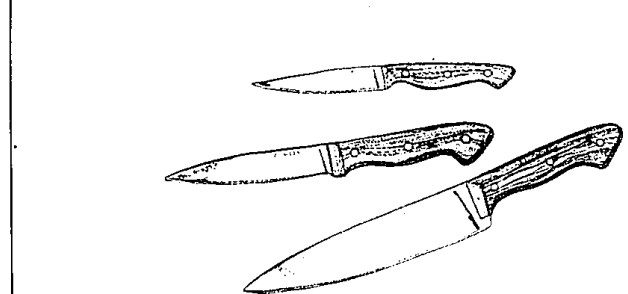
pipes seized
A 41-year-old Farmington Hills man was arrested for possessing narcotics paraphernalia when three crack cocaine pipes were found in his car during a traffic stop at Grand River and Waldron Thursday night.

He also was charged with driving with a suspended license and providing false identification to a police officer, according to a Farmington Hills police report.

thefts reported
A picture frame, an antique chair, a wall mirror and an antique couch were reported stolen from a house on the 2840 block of Middlebelt, Farmington Hills, between Feb. 10 and March 6.

A 35mm camera and camera equipment valued at \$1,200 were reported stolen from the locked photo lab at Jarvis B. Webb Co., 2175 1/2 Mile, Farmington Hills, March 5.

Two units at Fairmont Park Apartments, Farmington Hills, were broken into March 8. A VCR, a microwave oven and liquor valued at \$500 were reported stolen from a unit on Braeside Circle. An 8-piece silverware set, a camera, jewelry, a ladle and other items valued at \$1,160 were reported stolen from a unit on Hampton Court.



CLASSIC GERBER, TODAY'S BRIDE

New from Gerber, the three-piece kitchen knife set with oil-treated solid American black walnut handles. Satin-finish blades are made from the finest high carbon stainless cutlery steel. Unique concave grind assures a keen, razor-sharp cutting edge. Each is triple-riveted to the handles for durability. Set includes one each: 4" parer, 5 1/2" utility knife, and 8" cook's knife. \$56.

Jacobson's

GIFT Registry

ANN ARBOR BIRMINGHAM DEARBORN GROSSE POINTE LIVONIA ROCHESTER
We welcome Jacobson's Charge and American Express®
Shop until 9 p.m. on Thursday and Friday. Until 6 p.m. on Monday, Tuesday, Wednesday and Saturday.

Plaza fire stumps probbers

Continued from Page 1

heck. But thankfully, everyone walked away from the fire," Bosco said.

In order to determine the cause of a fire, investigators must determine which item in the building was ignited first and what the ignition source was, Farmington Hills Deputy Fire Chief Peter Baldwin said.

"It's so difficult with that much damage," Baldwin said. "You hate to guess. They have narrowed it to a room, and that's as far as they can go."

Investigators determined the fire first started between the ceiling of the first floor and the floor of the second floor in a Roman Terrace restaurant storage area, on the east side of the building, north of the center stairs. The restaurant was washed and dried napping in that area.

Of the 2 1/2-story building, the top floor, with seven office suites, some unoccupied, was totaled, according to fire officials.

The landmark Roman Terrace

'It's so difficult with that much damage. You hate to guess. They have narrowed it to a room, and that's as far as they can go.'

— Peter Baldwin
Farmington Hills
deputy fire chief

restaurant on the first floor and the newly renovated McJoe's Bar, formerly McFroek's Tavern, in the building's basement, was damaged by water and smoke, not flames.

SHOULD BOSCO and his co-owner brother, Don Bosco, decide to rebuild, they will be required to follow updated zoning ordinances if they lost 25 percent of the building's market value in the fire, zoning officials said.

The building is considered non-

conforming in the general business zone. If rebuilt, the brothers would have to conform with new zoning requirements for its setbacks, parking lot, landscaping and covered dumpsters.

Two firefighters were treated at the fire scene for minor injuries. The 58 firefighters at the scene worked until about 1 p.m. to extinguish the Sunday fire, reported shortly past 7 a.m. Their work was hampered by wind, smoke and the damaged structure.