

Wednesday, January 28, 1970



SELLING THEIR wares at the annual Southeast Michigan Junior Achievement exhibit and sales event last weekend were: (from left) Anthony Abowd, of 27298 W. 12 Mile, Farmington Township; Michael Schenk, of 24066 LeQuinnie Ct., and James and David Abowd. All are students at Our Lady of Sorrows High School. The Junior Achievement event was held at the Westland Shopping Center. The four Farmington students sold engraved wall plaques, tie racks and perpetual calendars through their Sundrox Co., sponsored by Michigan Bell Telephone Co. (Observer photo)

Gives Free Advice On Downtown

Joseph T. Brennan, attorney for Farmington Township, gave some free and unsolicited legal advice to the City of Farmington last week on how the city could best write an ordinance to redevelop its downtown business section.

Brennan is personally interested in the Central Business District (CBD) redevelopment ordinance because his law office is located on Grand River in the downtown area covered by the draft ordinance.

THE ORDINANCE was written by the downtown redevelopment committee of the City Planning Commission. Its intent is to uplift the downtown business area, giving it a new look and making downtown more convenient for pedestrian shoppers.

Downtown merchants endorse the ordinance in principle but disagree with specifics and believe parts of the draft ordinance are too restrictive.

Brennan is among those with businesses downtown who believe the draft ordinance is too restrictive. He wrote a long letter to the City Council presenting his views and recommendations.

Brennan verbally gave his views during the Jan. 3 council hearing on the proposed downtown ordinance. He followed up by presenting his advice in writing.

THE BIG QUESTION in Brennan's mind is how much authority the Planning Commission should have in the redeveloping part of the downtown area.

"The law permits a legislative body to delegate certain fact-finding functions to an inferior body or administrative officer in connection with the administration of any law or ordinance," explains Brennan.

"This delegation cannot, however, be made without setting forth as completely and exactly as can be done under the circumstances standards and guidelines within which the inferior tribunal or officer may exercise his discretionary authority."

Brennan says Michigan courts have on a number of occasions struck down zoning ordinances which violate that principle.

He believes the proposed CBD ordinance "violates this constitutional prohibition, establishes no guidelines whatsoever for the exercise by the Planning Commission of the jurisdiction granted to it for site plan review."

The ordinance leaves to the unfettered opinion of planners, Brennan claims, requirements to be applied in such specific cases with respect to area, height, bulk and placement of building, required setback and parking.

added that the city lacks authority to control aesthetics.

Brennan recommended cooperation with persons directly involved and advised that the city take the following steps:

1. Since there is a specific problem related to the downtown area, that area should first be defined by its territorial boundaries.
2. Next, the city should take an inventory of what precisely exists within the area and make a judgment on what is good and what is bad.
3. Then the city can make a judgment on what is unlikely to change, what will have to be lived with, and what areas can be improved.
4. At this point, a judgment can be made "within the realm of possibility" on a master plan for the downtown area.
5. Finally, the city will be ready to sit down and draft an ordinance designed to accomplish these specific goals.

A copy of Brennan's letter was forwarded to the commission's downtown redevelopment committee and discussed at the last council meeting.

GENERALY, the letter was well received by city officials although some believed Brennan could have been better informed before writing.

"The planning commission is trying something original and hopefully productive, and maybe it's not within the usual confines of conformity, but it is being done with the best interest of the community at heart," said Councilman John Allen.

Allen suggested that the council and the commission by providing it with legal counsel. Later in the meeting, the council approved the hiring of Burton Shifman as special legal counsel to the planners for the CBD ordinance.

Even Driker & Associates, the city's planning consultants who helped write the draft ordinance, said the draft should be reviewed by the legal staff before enactment, and that's the procedure now being followed, says City Manager John Dinan.

Councilman Fred Seibert suggested that the planners check with the Michigan Municipal League and ask it to search its library on other redevelopment ordinances which may have been implemented in the state.

ALLEN ADDED that he left Brennan's remarks to the Planning Commission of the jurisdiction granted to it for site plan review."

"If you are going to depart from the normal, you want to do a lot of background work and have an ordinance that will stand up," said Seibert, while asking if it would be wise to continue the public hearing on the draft Feb. 2.

that the hearing be delayed to allow more study to safeguard the ordinance.

Dinan commented that on Feb. 2 the council will just be receiving a progress report. The downtown subcommittee may not have all the answers by then, said Dinan, but it would be premature now to preempt the subcommittee.

Planning Commissioner Jim Platt said: "I agree with the procedure outlined by Mr. Brennan because that is the procedure that was followed."

Platt added that the commission obtained information from the federal government on model ordinances plus written material on legal precedents and federal court cases.

Councilman John Richardson said he agreed with Brennan on the way the ordinance should be approached and recognized also that this was the approach that had been used.

Snowball Spells Death To Boy

A 12-year-old Livonia youth, playing at the ancient game of throwing snowballs at passing cars, was fatally injured Sunday night when he and several youngsters were apparently pelted by a motorist who reportedly stopped his car to break up the "game."

Dead on arrival at St. Mary Hospital was Robert P. Duprey, of 14322 Henry Ruff, a seventh grade student at Riley Young High School.

According to the information the Livonia Police Department was able to piece together by talking to some of the young witnesses, Robert and some of his young friends were throwing snowballs at passing cars near Merriman and Barkley.

A MOTORIST STOPPED, police said, and began to give chase to the youngsters, who began to scatter.

As the youths began to run from the motorist, police said, young Duprey stepped into the path of an oncoming car and was struck down.

The driver of the auto which struck Robert was not held. Police identified him as Philip Poma Jr., of 2202 Cass, Farmington.

Police were unable to verify what actually took place because some of the witnesses were not able to supply explicit information as to what happened in the moment of youthful panic.

No mention is made in the report, nor is there any apparent identification of the motorist who originally stopped to chase the youngsters.

A police scout car rushed young Duprey to the hospital.

WHEN HE FAILED to return home, Mr. and Mrs. Ed-

A capital improvement program by the City of Farmington Planning Commission requests expenditure of over a half-million dollars during the next five years.

The 1970-75 capital improvement program was designed by the commission as a guide for the City Council while approving city budgets each year.

The program advises city councilmen what is needed in the way of city improvements each year until 1975 and how much should be annually budgeted in the capital improvement section of the budget.

TOTAL PROGRAMS recommended are expected to cost the city \$635,000 or \$107,000 a year. The annual cost is about equal to 14 1/2% of the city's 1969-70 operating budget of \$780,000.

Major items in the program include relief sewers, park facilities, street improvements, and storm sewer improvements.

Expected to be completed are Phases 3, 4 of the Bel-Aire relief sewer project. The first two phases have already been completed.

Phase 3 will be installation of a 15-inch sewer from Lamar west to Leelane and a 12-inch sewer on Leelane from Lamar to Marblehead. Construction is scheduled to start this coming July with cost estimated at \$20,000.

Phase 4 will be a 12-inch sewer from Leelane to Lamar to Prospect. Construction will start after July 1971 and estimated cost is \$15,000.

UNDER COMMUNITY PARK facilities, \$32,000 is scheduled to be spent in fiscal year 1969-70 for the Drake Rd. Park with a balance of \$93,000 to be spent for parks by 1974.

The remaining schedule is: \$30,000 in 1971-72 for Drake Park site improvements; \$31,000 in 1972-73 for Power Road Park; and \$32,000 in 1973-74 for Power Road Park improvements.

The commission hopes the city will spend \$10,000 to purchase the remaining property for the Civic Center park area. One lot has yet to be purchased by the city for the Civic Center Park located on the north side of State east of Liberty.

The \$10,000 would be the city's share of a federal open space grant. The city hopes to buy the land in fiscal year 1970-71 should the federal funds be available.

THE PLANNERS HOPE the city in the spring of 1971 will get more road funds based on the 1970 census and be able to spend more for major street improvements.

Commissioners believe the city can finance the paving of Gill from Grand River to Freedom, Shawwassee from Farmington to Grand River, and a portion of Drake south of Grand River for \$125,000.

In addition, the program foresees the widening of Orchard Lake at Shawwassee with the city's share being \$17,000. The city's share for widening Orchard Lake from Grand River to 10 Mile is estimated at \$175,000. If a federal grant can be obtained, the project could be financed with the city drawing \$65,000 from its water and sewer fund.

The report shows the need to build a six-bay police garage to reduce maintenance costs during the winter months. The garage will be financed from the general fund under capital improvement programs in the police department accounted at \$175,000.

When the downtown redevelopment program begins, it is expected to be financed by the following ratio: 60% on a special assessment basis and 40% by the city at large from the general fund.

City engineers report that an extensive storm sewer outlet from the Rouge River along Freedom Dr. to Farmington and future extension

Through 1975

City Eyes Capital Expansion

does not require help from the general fund.

Off-street parking needs on the north side of Grand River south of Oakland between Farmington and Warzor will be financed by a special assessment district.

Entrance and exit ramps are expected to be built in the future for westbound I-96 at Farmington and Freedom Dr. These will be built and financed, however, entirely by the state highway department.

THE CITY EXPECTS to spend \$6,000 in fiscal year 1969-70 for its tree planting program. However, at a charge of \$20 per tree, the program is self-sustaining and

Gill must be built at a later date. Estimated cost for the first phase is \$125,000-\$25,000 from a special assessment district and \$100,000 from general obligation bonds to be paid from the water and sewer fund.

Commissioners anticipate a municipal building expansion program between 1972-75 to be financed by general obligation bonds of 20-30 years duration.

An area incinerator project is planned, but total cost will be borne by an Incinerator Authority coordinated by the county public works department. It will probably include Farmington, Bloomfield Hills, Southfield and Novi with construction taking place between 1972-75.

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TWENTY-FIVE YEARS - Treno Quinn, long-time clerk for the City of Farmington, shows the plaque received in honor of her 25 years of volunteer service for the March of Dimes. Shown from left are Mrs. Quinn, area March of Dimes chairman; Maribel Chalmers, co-chairman of Farmington Township drive; Sarah Hatcher, co-chairman for drive in city; and Twila Clark, executive director of the Oakland County March of Dimes.

(Evert photo)

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