

**LAW CAPSULES**

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A city may ban all new advertising billboards without violating the Home Rule City Act, a Court of Appeals panel has ruled.

Holland's victory over Adams Outdoor Advertising Inc. sets a precedent for all cities in the state. The appeals panel reversed an Allegan Circuit Court ruling that the city's ordinance was "overly broad and invalid."

Holland passed the ordinance in 1994. City Planner Dale Wynn-garden testified that "we have been, since the mid-1980s, a mainstreet USA program which is an affiliation with the National Trust for Historic Preservation. We have taken great pride in what's happened in our downtowns in terms of ripping off the 1950s aluminum store fronts ...

"I think the community would perceive the placement of billboards in those locations as an

abomination, an assault on what we've tried to accomplish aesthetically downtown."

The city "grandfathered" in 20 billboards, allowing them to remain for their useful lives.

The Adams company didn't challenge the ordinance on the constitutional bases of freedom of speech or a governmental "takings." Instead, it argued that the Home Rule City Act allows a city to "regulate" and "limit" billboards but not to prohibit new ones.

The Court of Appeals, however, said, "Home rule cities are not limited to only those powers expressly enumerated." And because of the "grandfather" clause, the city didn't prohibit all billboards, the court ruled.

The appeals court overturned Allegan Circuit Judge George Corsiglia's ruling that the Holland council made a "whimsical" act. The judges said, "On the contrary, the policy and philosophical decisions of the legislative branch must be respected unless unconstitutional or con-

trary to law."

Adams presented testimony that it would be able to sell space on its proposed new billboards. "However," said the Court of Appeals, "while the desire by national, state and local advertisers for billboards may well demonstrate a demand for the billboards, such proofs are not sufficient to demonstrate the requisite public need for new billboards."

The unanimous ruling was written by Judge Richard Allen Griffin and joined by Charles Whitbeck and Mark Cavanaugh.

Source: *Adams Outdoor Advertising vs. City of Holland, CA No. 208643.*

**2 reps slapped**

House Speaker Chuck Ferricone, R-Kalamazoo, punished Detroit Democrats Ed Vaughn and Keith Stallworth for their behavior in a Senate Education Committee hearing in February.

The pair disrupted the hearing on the Detroit schools takeover, delaying it for two hours, and

Vaughn grabbed the gavel from committee chair Sen. Loren Bennett, R-Canton.

They lost their travel privileges and floor privileges. The latter includes having visitors on the House floor and appointing pages. They could have lost committee assignments.

Perricone said the sanctions would be lifted once they publicly apologized to Bennett, senators and House members.

Bennett's office said Stallworth apologized, but Vaughn said he would not.

**Re-sentencing**

In a complicated Eaton County case, a Court of Appeals panel said Ronald R. Alexander could not be given a consecutive sentence for home invasion, but it refused to throw out his sentence when Alexander argued that his juvenile history was considered.

Alexander pleaded guilty to second-degree home invasion for breaking into an Eaton Rapids Township home to steal food, coin, credit cards and jewelry

and as a second offender. A circuit judge sentenced him to 15 to 22 years.

The Eaton judge noted Alexander had 11 prior convictions, was an escapee from a Louisiana facility, and that the victimized homeowner asked a tough sentence.

The Court of Appeals rejected Alexander's claim that the judge looked at his juvenile record.

But it rejected the prosecutor's plea to uphold a consecutive prison sentence because "consecutive sentencing is to be imposed only where a Michigan prisoner or an escapee from a Michigan institution commits a subsequent crime." Since Alexander had escaped from Louisiana, the appeals court said the Eaton judge "improperly imposed a consecutive sentence on defendant."

Judge Stephen Markman wrote the opinion, which was concurred in by Judges Joel Hoekstra and Brian Zahra.

Source: *People vs. Alexander, CA No. 207444, decided April 2.*

**Agency chief to speak on campus**

Director of Public HOPE will be the final speaker in Oakland Community College's Orchard Ridge Campus Dialogue Series. Joseph J. Josaitis will appear at 6:00 p.m. in the Student Center on Thursday, April 15.

The Orchard Ridge Campus Dialogue Series (20855 Orchard Lake Road, just south of I-96, Farmington Hills) has played a major role in the Public HOPE's national training programs since they were founded by the organization with the late Father William Cunningham in the weeks of the 1987 Detroit riots.

Projects in which she has been involved include FAST, TRACE, an seven-week transition course for recent high school graduates; the Machinist, Training Institute; the Center for Advanced Technologies, a nationally recognized program for educating advanced manufacturing engineer-technologists in world-class standards; and a Montessori preschool for children of colleagues, students and the surrounding community.

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**YMCA HIGHLIGHTS**

**YMCA arthritis exercise and adapted water fitness class.** Designed in cooperation with the Arthritis Foundation, this class emphasizes range of motion and flexibility with very low cardiovascular activity. This is taught Mondays, Wednesdays and Fridays in 88-degree water. Shapedown (ages 12-18). In collaboration with the Children's Hospital of Michigan, the YMCA offers a weight management program designed especially for teens. Learn about nutrition,

exercise, physical fitness, and improved family communication while you Shapedown to a better body image and improved self-esteem. Call the DMC referral service for more information and registration at (313) 745-6000. Shapedown is 6-8 p.m. Wednesdays for 10 weeks.

**Healthy Kids Day:** 1-4 p.m. Sunday, April 18. There will be demonstrations, free access to the facility, prizes and giveaways for all who attend. This day emphasizes all phases of a

healthy kid. It includes nutrition, exercise, safety, the environment and substance abuse prevention. This event is a national initiative from the YMCA of the USA.

**Spring I Registration:** Begins now and continues through the first week of classes, April 12-17. A wide variety of classes are available for all levels of swimming. All classes continue through June 12. This is a nine-week session.

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