

## Farmington Observer

Part of HomeTown Communications Network™

Jon Hubert  
COMMUNITY EDITOR  
Hugh Gallagher  
MANAGING EDITOR  
Sue Roalek  
PUBLISHER  
Banks Dikman  
VP/COO

Joanne Towar  
VP, EDITORIAL  
Dick Agnlan  
PRESIDENT  
Philip Power  
CHAIRMAN OF THE BOARD

Our fundamental purposes are to enhance the lives of our readers, nurture the hometowns we serve and contribute to the business success of our customers.

## Courts shouldn't usurp city's land use decision

In 1997, Farmington Hills city officials denied a request by West Bay Explorations to drill for gas and oil in the Nine Mile/Haggerty area.

Four years later, the Michigan Court of Appeals has ruled the city's decision — which was based on concerns over residents' health and safety — is "ripe for appeal."

What governmental decision isn't these days? Elected officials, representing the people who put them in office, create a system of rules and ordinances designed to reflect their community's standards and beliefs, only to find themselves on the receiving end of a summons to appear in court or a notice that state lawmakers are about to usurp yet another of their sworn duties.

When land use decisions end up in court, the local frame of reference is lost in citations of cases filed in other cities at other times in history. The argument is that the basic legal principles apply, or perhaps are simply desirable in court.

Whether it's right for the community in question isn't even a matter of discussion.

In this case, officials were clearly dead set against allowing West Bay to drill for oil and gas near Meadowbrook subdivision because of concerns about the release of hydrogen sulfide, a chemical byproduct of the drilling process which produces a "rotten egg" odor. Exposure to high concentrations can be fatal; long-term exposure to low concentrations can cause respiratory problems.

While most exposures to hydrogen sulfide occur occupationally, incidents of accidental exposure have been recorded in connection with drilling operations. At

the time they turned down West Bay's application, city officials said the company could reapply, if it provided additional information about the gas and its dangers.

But even if city officials had just given the company a flat "no," shouldn't they have that right?

Drilling for oil and gas is a volatile, intensive use for a piece of property in

**Even if city officials had just given the company a flat 'no,' shouldn't they have that right?**

the heart of a city. Neighbors were dead set against it, and we don't blame them. West Bay and representatives from the state's Department of Environmental Quality say it's not likely there'd be an escape of hydrogen sulfide, but they're not offering any guarantees.

Certainly West Bay has the right to make a profit on its investment. But the land has been sold, so we're guessing that's been accomplished. Maybe they didn't make as much of a profit as they'd anticipated, but let's face it — Farmington Hills city council isn't going to give another drilling company rights it has denied West Bay. Nobody's going to make \$50 million off that property.

That question belongs in a court of law. Land use issues, particularly those involving the health, safety and values of a community and its residents, do not.

## Proposed racial profiling bill won't solve problems

Something certainly needs to be done about racial profiling — the propensity of some police officers to stop motorists for DWB (Driving While Black). But that something definitely isn't the Michigan Racial Profiling and Report Statistics Act (HB 4927) or its federal cousin, the Racial Profiling Act of 2001. That bill was introduced in Congress this spring and co-sponsored by Rep. Carolyn Cheeks Kilpatrick, D-Detroit.

Before we dissect the flaws of both proposals, we should note that racial profiling is a serious and complex problem, despite years of denial by law enforcement agencies that have only recently changed their tune. With the shifting racial and ethnic makeup of western Wayne and Oakland counties, the potential for increasing abuse of constitutional rights by police is amplified. African Americans may have been the most prominent group to speak out on this deplorable practice. But those of Arab, Asian or Hispanic descent have been victimized as well.

The solution, which won't be easy to come by, will require a carefully crafted mix of education, training and disciplinary actions aimed at law enforcement agencies where problems persist. All of these factors, we note, are addressed in the proposed state and federal legislation.

So where did our lawmakers go wrong? Well, the devil is in the details. And you can add in the fact that political appeasement, rather than careful study, seems to be the motivating factor in both cases.

Let's take the Michigan House bill, introduced last month by Rep. Samuel Thomas, D-Detroit, first. Its main component is a mandatory requirement for a detailed report — in addition to the standard police report — regarding the race and ethnicity of all vehicle occupants. The report, which can be filed on paper or electronically, is required for all stops by all law enforcement agencies, whether or not a citation was issued. Copies for public access must be kept at the local police department for three years and a quarterly compilation of reports is to be turned over to the state department of civil rights.

Under the legislation, the civil rights department will issue an annual report. It also has the power to determine, based on the number of complaints and other factors, whether any police agency may be required to document activities

beyond the three-year period.

When we say the proposed legislation requires a detailed report, we mean it. HB 4927 spells out no less than 20 items for each vehicle occupant that must be recorded by the officer "during or immediately following" the stop. The items range from identifying the "race, gender, ethnicity and approximate age of the driver and any passengers" to whether forfeiture proceedings were subsequently instituted against the vehicle.

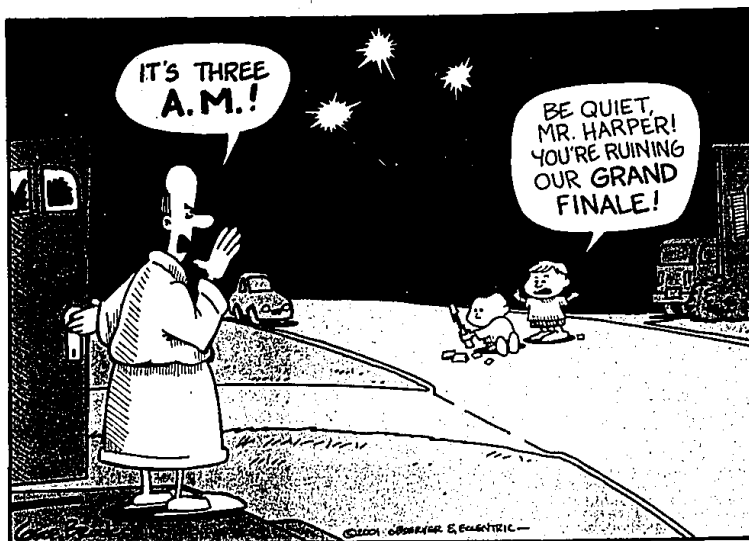
Farmington Hills Police Chief Bill Dwyer, who is president of the Michigan Association of Police Chiefs, estimates that officers in Farmington Hills make 50,000 traffic stops each year. If the average vehicle carries two occupants, that would mean 100,000 additional reports filed annually in just one community.

Reporting requirements aside, the collection of data would normally prove valuable. In this case though, the interpretation of that data leaves many questions unanswered. Canton Public Safety Director John Santomaura has said that comparing the race and ethnicity of vehicle occupants to the makeup of the community, frequently done in the past, isn't relevant in large, suburban communities. The makeup of the commuting population is often vastly different than the residential population.

The proposed federal legislation, on the other hand, is all about money. It would "ban" the practice of racial profiling and withhold federal road repair funding from states if they fail to record the race of people detained by law enforcement officers. Congress is expected to dole out nearly \$250 billion in funding for road, bridge and freeway projects next year.

Around here, we call that throwing out the baby with the bath water. Local projects such as the \$7.5 million CSX-Sheldon Road bypass in Plymouth — paid for with a combination of local, county and federal money — could be jeopardized because of poor police performance on the other side of the state.

Lastly, in this age of increasing concerns about privacy, the question of whether or not residents want their local police department and state government to have still more personal information within easy reach is a legitimate one. We note that neither of the proposed measures contains language limiting how that information is to be used or who will have access to it.



## LETTERS

### Malcontent

On the electronic edition of the Farmington Observer, I noticed that the millage renewal passed 3,453 to 709 and I heard, on the radio, that the OCC millage passed. I would assume most (at least 3,453) residents of Farmington/Farmington Hills are satisfied with government education. I hate being one of the 709 malcontents, but I am compelled to ask those 3,453 voters to consider two other questions.

■ "Are innovative and efficient services, such as education, more likely to be provided by the government or the free market?" If their answer is "government," a following question is, "Why not have the state take over all services... such as farming, food distribution and automobile manufacturing?" After all, if a little government service is good, a lot of government service should be better.

■ "Is it fair to take from the minority to give to the majority?" I must confess, I'm a father of home-schooled children and, therefore, easy to dismiss as "one of those people" with a "chip on his shoulder." Even though they might consider me part of the lunatic fringe, do they feel at all embarrassed forcing me to subsidize for their kids' education when they could, and should, take care of it themselves?

Jerry Smith  
Farmington

### Make a movie

California has a reputation for movies, technology, and energy shortages.

The environmental version of "deregulation" broke up power companies and capped prices, somehow expecting businesses would compete for the privilege of selling at a loss.

There were no takers. Capping prices was tried before when OPEC cut back supplies in the late '70s. "Windfall Profits" made headlines as government lawyers prosecuted oil suppliers. Station owners closed the pumps at 5 p.m. and went home for the weekend — they could sell all they could get and enjoy nice hours.

Drivers topped off the tank at every station and hoarded gasoline. Shortages continued for the rest of the Carter Administration. President Reagan honestly "deregulated" gas by removing price controls and letting companies manage their own business. There were screams. "The price will go up!" It went down, and became available. There never was a shortage — companies will produce for a profit but not a court order. If Hollywood made a movie supporting nuclear energy, America could stop burning coal and enjoy technology used in much of the world. California's reputation would also improve.

Hank Borgman  
Farmington

### Grateful for support

First and foremost, I want to express my gratitude to the voters of Farmington/Farmington Hills for their outstanding and overwhelming support of the Millage Renewal on the ballot on Monday, June 11. They clearly understood how important it is to the quality of the schools of this community, and acted accordingly. Secondly, I want to thank the Farmington/Farmington Hills community

for their support of me over the last four years, and most recently at the polls on Monday. I have worked hard to guide our schools in the right direction, and pledge my tireless efforts to continue this important work.

I will also keep a close eye on legislation and proposed legislation at the state and federal levels that might impact our schools. In this era that places a high priority on education, accountability and student achievement, it is essential to keep vigilant to ensure that the measures enacted by our representatives truly help in these areas and do not actually interfere with our efforts to be more effective.

It is my hope that the candidates who were not successful on Monday will continue and expand their involvement at the building and district level... I regard our principal accountability, as a board, is to the people of this community, and our primary goal is to enable and improve student achievement. I will continue to keep these guiding principles in clear focus as I serve you for the next four years. Thank you once again.

Frank L. Reid  
Farmington Board of Education

### I am a sign

I am a sign. Born in 1980, I wear many hats or more accurately, many clothes. Today I may be a banner, 4 x 8 feet on a street corner or above a football field, tomorrow a piece of end-board, 24 x 12 inches, nailed to a stick.

My clothes carry messages. "Vote for me for school board" or for "council" or "millage." Products, too, are posted on my chest: pizzas, beverages, and shoes, to name a few. Colors vary, depending on subject, but red is a favorite, as for a recent art fair event. Position or placement is likewise very important. Busy traffic corners are prime, but subdivision entrances, nicely landscaped, are a close second.

More important than his appearance or words was where the sign would live and work. Early on, he discovered that he was the victim of discrimination in certain metro Detroit cities. The vehicle was "city ordinances" vigorously enforced.

But one beautiful city was friendly. It is called Farmington Hills. Here we can enjoy public attention close to the traffic below or just above the sidewalk, or against pine trees on a lovely lawn, and as spectators ourselves, watch a high school football game.

Here, we are welcome. Aside from such minor distractions as Realtors observing Sunday-afternoon-hour rules allowing signs, the city throwing us into a truck in November after allowing us to stand for weeks before, and an irate homeowner calling to complain that we offered the landscaping at the sub fence, no one bothers us. We live in peace.

Lawrence Niblett  
Farmington Hills

### Dog park advice

Let's take stock of the creative genius of our city council members. With all their brains and experience and all the clubs and organizations they belong to printed on their campaign literature, they can't figure out a way to designate even one acre of the 23,047 acres we have in the city of Farmington Hills for a dog park. That sure doesn't say much for their

business acumen does it?

I am going to offer you a number of suggestions to consider for the creation and maintenance of this park. To show you what a nice guy I am, you can even take credit.

■ Each time a builder or developer cuts down too many trees or just happens to read or interpret their contract incorrectly or violates the spirit of cooperation in which they were awarded a contract to build and make a profit in this city, their penalty can be to pay a fine into a designated animal park fund... You can also give the builder the option of donating time and person power toward community service to develop and maintain the park.

■ Although 99 percent of pet owners are overly conscious about cleaning up after their pets, for those that don't, funds can be used from the ticket money generated from Nancy Bates' dictatorial bicycle helmet law.

■ To provide upkeep at the park, person power can be used from Todd Lipa's city sponsored after school babysitting service. Instead of letting them play, play, let the participants understand the fact that there is no such thing as a free lunch and certain work and community service obligations are expected of them while they are freed off of the city.

■ The City of Farmington Hills could establish criteria for allowing local Farmington Hills food and restaurant vendors to provide light food and beverages from portable stations to those residents and visitors who use the park. A vendor could be awarded the exclusive rights to provide their product, goods, or service for weekly periods rotated throughout the year among all vendors applying.

■ Although it is hard to blame most of the business owners who get caught in Police Chief Dwyer's underage alcohol selling sting, let the penalty be for the actual salesperson doing some community involvement at the park, cutting the grass or maintaining fences or cleaning up the doggie-doo. Given the fact that Mt. Clemons, Orion Township, Clinton Township, Warren and potentially Birmingham have figured out a way to have the dog parks, I suggest that the city council members and City Manager Brock contact those creative people. Perhaps a few telephone calls could give you the ideas that the nearly two years of study sessions has failed to produce.

George Sarkisian  
Farmington Hills

### Share your opinions

We welcome your letters to the editor. Please include your full name, address and phone number for verification. We ask that your letters be 400 words or less. We may edit for clarity, space and content.

Mail:  
Letters to the Editor  
Farmington Observer  
33411 Grand River  
Farmington, MI 48335  
E-Mail:  
jhubert@oc.hometown.net  
Fax:  
248-477-9722

HomeTown  
COMMUNICATIONS  
NETWORK