

SIGN

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Brook was out of his office until Thursday and said his Assistant City Manager Dana Whinnery also was unaware of Maxfield's correspondence.

ZBA Board Member Randy Bruce's first comment to the Observer this week was, "So they are going to dedicate their illegal sign?"

Lee Blizman, zoning supervisor, indicated that the school district hadn't returned to the ZBA since January and she considered the sign nonconforming.

The district decided to install the sign along 12 Mile Road at the start of the school year, according to Sue Zurvalec, assistant superintendent of staff and community services.

That is unfair to those who follow the ZBA's rulings, Bruce reiterated.

The district was granted two variances, but a sign was purchased which officials knew wouldn't comply, Bruce said. About \$28,000 was raised to purchase the sign. The district's hope was to seek some form of accommodation later.

Dennis Noe, assistant Harrison High principal, earlier admitted changes were made at the suggestion of the manufacturer who sold the sign.

Bruce said Maxfield sought a meeting with him several months ago while he was ZBA chair asking whether there were

some options available. Bruce advised Maxfield to talk to the city attorney's office.

Maxfield is in Germany on a Fulbright scholarship until Oct. 12 and couldn't be reached for comment.

Specifically, Maxfield's letter said concessions were made on both sides.

"However the parties were not able to agree on the color of the electronic letters with the school favoring red letters and the Zoning Board insisting on white letters," Maxfield said.

"Incidentally, the city staff advised the Zoning Board that red letters were preferable for a variety of reasons. It now appears that the only way to secure final approval from the Zoning Board would be to invest several additional thousand dollars in order to change the project from red to white letters. This does not seem reasonable or appropriate."

Maxfield sought counsel from Amanda Van Dusen of Miller, Canfield, Faddock and Stone concerning requirements to comply with city restrictions.

"Ms. Van Dusen has advised us that the school code grants exclusive jurisdiction for review and approval of plans and specifications for school facilities to the state superintendent of public instruction," Maxfield said. "Ms. Van Dusen clearly states that signs are included in this provision. The recent 2001 court of appeals case involving Northville Schools supports this contention."

Maxfield said the district intended to proceed with sign installation. "We believe that it will be an asset, not a detriment, to the community and that it takes into account many of the concerns raised by the Zoning Board. It is our intention that the project will be completed in time for the beginning of the 2002-2003 school year."

Zurvalec is filling in for Maxfield. She called the sign appropriate and safe. "We try very hard to work collaboratively," Zurvalec said. "The district did consider our decision to move forward when we decided which direction we were headed."

Frank Reid, a Farmington school board member, said the district would never proceed without adequate communication. He cited the good relationship the district has with both cities and said district officials are always willing to discuss the matter with those who disagree.

Derk Beckerle, an attorney with the Kohl, Secrest, Wardle, Lynch, Clark and Hampton law firm in Farmington Hills is researching the issue and will update the ZBA at its Oct. 8 meeting. He didn't return the Observer's phone call.

In the meantime, Bruce plans to comment at the next Hills city council meeting. He believes this dilutes the authority of the ZBA and that only the Circuit Court can overturn a ZBA decision. "This represents four years of negotiations,"

Bruce said.

He asks what's the purpose of having a ZBA body in the first place.

Specifically, the ZBA wanted: ■ black and white lettering rather than red lettering.

■ hours limited from 7 a.m. to 8 p.m. rather than 24 hours a day as desired by the district

■ limiting the text change to every 30 minutes rather than every five seconds

"We did that for safety reasons, because we were concerned drivers would be distracted," Bruce said.

The ZBA gave Noe everything he wanted and then Noe "foolishly" spent \$28,000 on this sign, Bruce said.

The conflict has at least one school board member concerned about the broader-ranging impacts of this issue.

"It's stressful for students to see government not working," said Priscilla Brouillette, a Farmington school board member.

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