

**BIRMINGHAM CITY COMMISSION
MUNICIPAL BUILDING, 151 MARTIN
MONDAY, SEPTEMBER 23, 2024
6:00 P.M.
SPECIAL MEETING
(WORKSHOP)**

This will be considered a workshop session of the City Commission. No formal actions will be taken. The purpose of this workshop is to engage in a presentation and discussion regarding the Baldwin House.

I. CALL TO ORDER

Elaine McLain, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk

III. PRESENTATION & DISCUSSION

A. Introduction

B. Presentation

C. City Commission Discussion and Comment

IV. PUBLIC COMMENT

V. ADJOURN

Should you wish to participate in this meeting, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760

You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance. Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).



MEMORANDUM

Planning Division

DATE: September 12, 2024

TO: Jana Ecker

FROM: Brooks Cowan, Senior Planner

SUBJECT: Workshop - Baldwin House Senior Living Center

The following presentation is a workshop on the Baldwin House Senior Living Center and the affordable housing policy associated with the development. There is a large amount of information to present, however it is important to recognize the considerable amount of work that was put into obtaining an affordable senior living center in Birmingham.

Staff will not be reading each slide. The information on each slide is provided to give a general idea of the concept being reviewed, and to provide direction should a Commissioner or resident wish to pursue more information about that topic. Staff's aim is to present the general topics involved and to provide a report that can be referenced throughout the review process.

There are five parts to the presentation: history, affordable housing policy, zoning, PILOT Ordinance, and Proposals. Within the five sections, staff will discuss the five main documents for review which involve the following: Mortgage Agreement, LIHTC Agreement, SLUP Agreement, Parking Agreement, and PILOT Agreement.

The history section is meant to demonstrate the work put in by the City, and the factors that led to the ultimate decision of how Baldwin House would be built and function as an affordable senior living center. The affordable housing section is meant to provide a background on public policy regulations and summarize the State's agreements involved with Baldwin House. The zoning section is meant to demonstrate three key items: the bonus provisions of special-purpose housing afforded to Baldwin House vs. by-right development, the SLUP Agreement, and the benefits received from the Parking Agreement. The PILOT section is also meant to provide a background on public policy related to local tax exemptions and summarize the City's agreement with Baldwin House on paying a fee in-lieu of taxes. The final section will go over preliminary proposals from the City and from the Baldwin House on how to proceed with regulations from January 1, 2025 and beyond.

Baldwin House

City Commission Workshop

Department Name

Presented by:

Date:



Baldwin House Workshop Outline

- I. History
- II. Affordable Housing Policy
 - 1. Mortgage Agreement
 - 2. LIHTC Agreement
- III. Zoning
 - 1. SLUP Agreement
 - 2. Parking Agreement
- IV. PILOT Agreement
 - 1. Payment In Lieu Of Taxes Agreement
- V. Proposals



Part I – History

The history of what transpired in the 1970s led to the existing agreements the City Commission has to consider in 2024



History Summary

- City pursued affordable senior housing with great effort
 - Committee report, property purchase, RFP, zoning amendment, purchase agreement, ballots, etc
- Residents did not agree with requirements of MSHDA for Baldwin House Loan
- Actions were taken by residents and Commissioners to prevent Baldwin House from obtaining a loan from MSHDA that involved affordable housing.
- Three City Commissioners who supported the project were voted out in April 1978, another three who supported the project were recalled in May of 1978
- US District Court found Birmingham's actions to prevent Baldwin House from obtaining a loan to be in violation of the Civil Rights Act of 1968
- The Court filed an injunction against the City and took jurisdiction over facilitating the terms of the development for Baldwin House
- US District Court approved preliminary concept in 1986

September 28, 1994 – Baldwin House Obtains Certificate of Occupancy

- 5 Agreements with City or State between 1986 Court approval & 1994 Certificate of Occupancy
 - SLUP Agreement (1987, amended 1988, 1992)
 - Parking Agreement (1990)
 - PILOT Agreement (1990)
 - Mortgage Agreement with MSHDA (1993)
 - LIHTC Agreement with MSHDA (1994)

PART II - Affordable Housing Policy

- Low Income Housing Tax Credit (LIHTC Agreement)
- Pass through funding (MSHDA Mortgage Agreement)

Baldwin House Mortgage Restrictions: Past 30 Years

04/01/2024 INCOME AND RENT LIMITS

Section 2:
Income Restrictions
and Rental Rates

County: 63 Oakland

Effective Date: 4/1/2024

	Income	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
	20%	13,440	15,360	17,280	19,180	20,720	22,260	23,800	25,320
	25%	16,800	19,200	21,600	23,975	25,900	27,825	29,750	31,650
10% of units at 30% AMI	30%	20,160	23,040	25,920	28,770	31,080	33,390	35,700	37,980
	35%	23,520	26,880	30,240	33,565	36,260	38,955	41,650	44,310
	40%	26,880	30,720	34,560	38,360	41,440	44,520	47,600	50,640
	45%	30,240	34,560	38,880	43,155	46,620	50,085	53,550	56,970
30% of units at 50% AMI	50%	33,600	38,400	43,200	47,950	51,800	55,650	59,500	63,300
	55%	36,960	42,240	47,520	52,745	56,980	61,215	65,450	69,630
	60%	40,320	46,080	51,840	57,540	62,160	66,780	71,400	75,960
	70%	47,040	53,760	60,480	67,130	72,520	77,910	83,300	88,620
	80%	53,760	61,440	69,120	76,720	82,880	89,040	95,200	101,280
60% of units AVG 100% AMI	100%	67,200	76,800	86,400	95,900	103,600	111,300	119,000	126,600
	120%	80,640	92,160	103,680	115,080	124,320	133,560	142,800	151,920
	125%	84,000	96,000	108,000	119,875	129,500	139,125	148,750	158,250
	140%	94,080	107,520	120,960	134,260	145,040	155,820	166,600	177,240
	150%	100,800	115,200	129,600	143,850	155,400	166,950	178,500	189,900
Rent By Person		1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
	20%	336	384	432	479	518	556	595	633
	25%	420	480	540	599	647	695	743	791
	30%	504	576	648	719	777	834	892	949
	35%	588	672	756	839	906	973	1,041	1,107
	40%	672	768	864	959	1,036	1,113	1,190	1,266
	45%	756	864	972	1,078	1,165	1,252	1,338	1,424
	50%	840	960	1,080	1,198	1,295	1,391	1,487	1,582
	55%	924	1,056	1,188	1,318	1,424	1,530	1,636	1,740
	60%	1,008	1,152	1,296	1,438	1,554	1,669	1,785	1,899
	80%	1,344	1,536	1,728	1,918	2,072	2,226	2,380	2,532
	100%	1,680	1,920	2,160	2,397	2,590	2,782	2,975	3,165
	120%	2,016	2,304	2,592	2,877	3,108	3,339	3,570	3,798
	125%	2,100	2,400	2,700	2,996	3,237	3,478	3,718	3,956
	140%	2,352	2,688	3,024	3,356	3,626	3,895	4,165	4,431
	150%	2,520	2,880	3,240	3,596	3,885	4,173	4,462	4,747

Affordable Housing Policy: Baldwin House

Summary

- Mortgage Agreement was paid off in November 8, 2023, thus Baldwin House is no longer required to average 100% AMI for the 78 non-affordable units
- LIHTC Agreement expires December 31, 2024
- Applicant will be refinancing through Fannie Mae – less regulations from MSHDA
- Applicant will be applying to renew LIHTC Agreement for 2025 and beyond
- MSHDA has indicated they will require same amount of affordable units for LIHTC renewal.
 - 40% of units (53 units) to be affordable with 30% of units (40 units) at 50% AMI and 10% of units (13 units) at 30% AMI.
- What to do about remaining 60% of units (78 units)? Regulate or uncap?

PART III – Zoning

- SLUP Agreement
- Parking Agreement

Zoning – Baldwin House

Existing Site

- Zoning - R7, Multiple Family Residential
- Lot Area – 67,082 SF
- Height – 5 Stories
- Parking – 11 spaces on-site, 69 spaces in Chester St. Garage
- 131 Residential Units
- Special-Purpose Housing Use – Requires Special Land Use Permit (SLUP)
 - As previously mentioned, the Zoning Ordinance's special purpose housing use was created in 1976, after the City had purchased the property and reviewed RFPs for senior housing. The definition was created with Baldwin House's proposal in mind.

Zoning – By Right vs SLUP Bonus (Incentive Zoning)

R7 – By Right

Max Units – Lot Area / 1,280 SF

Max Height – 4 Stories

Parking – 1.5 spaces unit

Special Purpose Housing – SLUP Bonus

Max Units - 160

Max Height – 5 Stories

Parking – 0.5 spaces per unit

Zoning Regulation	R7 By Right	Special Purpose Housing SLUP	Baldwin House Existing	Baldwin House Bonuses
Height	4 Stories	5 stories	5 stories	1 Story
Residential Units	53 units 67,082 SF / 1,280 SF)	160 units	131 units	78 Units
Parking	(1.5 per unit) (80 spaces)	(0.5 per unit) (80 spaces)	66 required (11 on-site + *69 Garage = 80 total)	*Parking Agreement = 69 spaces off-site

*Parking Agreement

Zoning – Baldwin House

Special Land Use Permit (SLUP) Approvals

- August 24, 1987
 - 15 parking spaces on-site, 51 parking spaces in Chester St. Parking Garage
 - (Zoning requirement total of 66)
- November 14, 1988 Amendment
 - 11 parking spaces on-site, 69 parking spaces off-site to be provided by the City without charge
 - (Maximum requirement total of 80)
- December 21, 1992 Amendment
 - Design changes to Building Plans. Staff could not approve administratively.

*** SLUP Contract may be used as a tool to require certain conditions

Zoning – Baldwin House

Parking Agreement

- 69 Parking Spaces off-site free of charge in Chester St. Garage
- Expires September 28, 2024
 - 90 days to comply (December 28, 2024)
- \$15k per space + capital expenditure per space + monthly rate per space = due 90 days after contract expiration (one time payment)
 - Monthly rate per pass due each month thereafter
- \$1,218,678 by December 28, 2024 for 69 parking spaces
 - (69 parking spaces*(\$15,000+\$2,592+\$70))
- The City may wish to enter into a new parking agreement based on future amount of affordable housing provided

Zoning – Baldwin House

Zoning Summary

- Special-purpose housing SLUP enables Baldwin House an additional 78 residential units, a bonus floor (5th floor), and a reduced parking requirement
- Baldwin House's Special Land Use Permit may be used to require certain conditions related to housing and parking
- Baldwin House has a Parking Agreement with the City of Birmingham as a result of the 1982 Court Order that allows the use of 69 parking spaces in the Chester St. Garage free of charge until the end of year.

Part IV – PILOT AGREEMENT

Michigan PILOT Policy Summary

- Baldwin House is eligible for local tax exemption due to existing MSHDA loan and LIHTC Agreement, as well as future LIHTC renewal agreement for 2025 and beyond
- Baldwin Currently pays a 4% shelter fee for collected rents. The 4% is currently applied to all 131 units, given that all 131 have historically had some type of rent regulation (40% affordable – 60% market rate)
- The existing PILOT Agreement will expire December 31, 2024
- A new PILOT Agreement could involve a shelter fee (ex. 4%) applied to only affordable units (40%), plus a fee equivalent to the taxable value of non-affordable units (60%)
- *Conditions of a SLUP could be connected to new PILOT Ordinance

Part V – Proposals

To be Discussed at Workshop



Proposal Items for Consideration:

1. What to do about 60% (78 units) of non-affordable units?
 - Should they be regulated with a rental cap?
 - If so, how should they be regulated, and at what AMI level?
2. Parking Agreement
 - Should a Parking Agreement be renewed?
 - If so, how should free parking spaces be allocated based on future ratio of affordable units?
3. PILOT Agreement
 - What percentage of units should a shelter fee in lieu of taxes be applied to?
 - How much should the fee be?
4. Rent Changes & Resident Turnover
 - How will proposed changes impact current residents?

Baldwin House Workshop Attachments (Select Link)

1. 1970 - 1972 Senior Housing Committee establishment, report, & minutes
2. 1973-1976 Pursuit of senior housing bid, RFP, and ballot
3. 1976 approval of "Special Purpose Housing" definition and development standards
4. 1976 Baldwin House Purchase Contract, 1977 Contract Amendment & Nov 28, 1977 City Commission minutes
5. 1978 April regular election with Baldwin House financing on ballot, May Special Election for recall, and minutes
 - a. "9:04 pm, Commissioners Conrad, Watt, and Dropiewski left the room"
6. 1982 US District Court Judgement and Finding of Facts
7. 1986 Preliminary Proposal and relevant correspondences between City Commission, Baldwin House, and US District Court
8. 1986 Court Approval of Preliminary Proposal
9. 1987 SLUP Approval, as amended 1988 & 1992
10. 1990 Parking Agreement
11. 1990 Tax Exempt PILOT Agreement (Ordinance 1457) & 2022 compliance example
12. 1994 MSHDA Mortgage Agreement
13. 1995 LIHTC Agreement
14. MSHDA Compliance docs for Baldwin
15. 1976-1978 Birmingham Eccentric news articles related to Baldwin House and City Commissioner recall

CITY OF BIRMINGHAM

ORDINANCE NO. 692

AN ORDINANCE TO AMEND TITLE IX OF THE CITY CODE BY ADDING
A NEW CHAPTER 93 THERETO TO PROHIBIT DISCRIMINATORY HOUSING
PRACTICES

THE CITY OF BIRMINGHAM ORDAINS:

Title IX of the City Code is amended by adding a new
Chapter 93 thereto, to read as follows:

CHAPTER 93

FAIR HOUSING PRACTICES

Section 1. No person shall discriminate against any
other person because of religion, race, color, or national
origin in regards to the advertising, showing, sale, leasing,
or financing of real property.

Section 2. This Ordinance shall not require a person
to offer property to the public at large before selling or
renting it, nor shall it be deemed to prohibit any person
from giving preference to prospective tenants or buyers for
any reasons other than religion, race, color, or national
origin.

Ordained this 27th day of November, 1967, by the City
Commission of the City of Birmingham, to be effective upon
publication.


William E. Roberts, Mayor


Irene E. Hanley, City Clerk

I, Irene E. Hanley, Clerk of the City of Birmingham,
Michigan, hereby certify that the foregoing ordinance was
duly passed by the Commission of the City of Birmingham at
a regular meeting held Monday, November 27, 1967, and that
the same was published in the Birmingham Eccentric on
Thursday, November 30, 1967.


City Clerk

- 245-70 -

Mr. Knowles Smith, Executive Director of the Birmingham-Bloomfield Chamber of Commerce, on behalf of the BUDAC Sign Ordinance Committee, commended the administration and Commission for the excellence of the amendments to the Sign Ordinance; however, he directed attention to Sub-section 8.25 (f) and noted there had been no discussion of its application to a shopping center. It was his opinion the discussion concerning gasoline service stations had not taken cognizance of other possibilities.

- 246-70 -

Moved by Commissioner Breck,
Seconded by Commissioner Dorsey,

WHEREAS, The City Commission has adopted Resolution No. 96-70 establishing a committee of seven residents of Birmingham to consider Senior Citizens low cost housing,

NOW, THEREFORE, BE IT RESOLVED, That the proposed committee on low cost housing for senior citizens shall make a recommendation to the City Commission as to whether or not there is a need for such a facility in the City of Birmingham, and

BE IT FURTHER RESOLVED, That the committee shall act as a fact finding body; its recommendations shall be based on facts gathered from individuals, groups, and governmental agencies; it shall consider the opinions of various individuals and groups concerning this subject, and shall submit a status report to the City Commission within sixty days from the date hereof.

Yeas: - 7
Nays: - 0

- 247-70 -

Moved by Commissioner Breck,
Seconded by Commissioner Schmidt, that the following persons be appointed to serve on the Senior Citizens Housing Committee:

Mr. Charles Keller,
Mr. George Skrubbs,
Mrs. V. C. Doherty,
Mrs. Russell Bell,
Dr. George Marin,
Mr. Daniel McCarthy and
Mr. Charles Kass

Yeas: - 7
Nays: - 0

- 248-70 -

Commissioner McNamee expressed the opinion that it is very important the Committee be definitive in its report concerning "need for low cost housing for senior citizens".

- XIII -

2-24-70

-1516-72-

Moved by Commissioner Breck,
 Seconded by Commissioner Staples, that the Mayor and Clerk
 be and hereby are directed to execute the contract, revised as
 to Paragraph L and 9-O, as discussed above, with The Garrison
 Company for construction of the ice arena at Eton Park.

Yeas: 6

Nays: 0

-1517-72-

Report received from the Senior-Citizen Housing Committee,
 appointed by the City Commission last October 25, 1971, to re-
 view the housing needs of senior citizens.

The report covered the activities of the committee types of
 housing considered; financing, comments on area housing develop-
 ments, site factors and residency requirements; including a recomm-
 endation that because the Committee has concluded that a senior-
 citizen housing development is both feasible and desirable for
 Birmingham, an ordinance be enacted to create a Local Housing
 Authority as the first and necessary step toward the realization
 of such housing or welcome proposals from a non-profit group,
 or groups to sponsor the project.

Mr. Charles Kass, Chairman of the Committee, was present and
 answered questions from the Commission. Mayor Page and members
 of the Commission, thanked the Committee and expressed apprecia-
 tion for an excellent and comprehensive report.

-1518-72-

Moved by Commissioner Saunders,
 Seconded by Commissioner McNamee, that the administration be
 directed to prepare an ordinance to be returned to the Commission
 to create a Local Housing Authority.

Yeas: 6

Nays: 0

Moved by Mayor Page,

Seconded by Commissioner Saunders, that proposals from a
 non-profit group or groups to sponsor a housing program for
 senior citizens will be welcomed by the Commission.

Yeas: 6

Nays: 0

-1519-72-

See Res. #1522-72 9/25/72 for new paragraph one.

Commissioner McNamee directed attention to orientation sess-
 ions for new members of the Commission that will be included in
 the program for the Annual Meeting of the Michigan Municipal League
 September 26-29, 1972. She also noted there will be a seminar on
 the subject of how the League can be more helpful to smaller cities
 and invited members of the Commission who have any suggestions to
 call her.

The administration was requested to include a copy of the
 conference program in the agenda for the September 25th meeting.
 The administration was directed to investigate and report on the
 taxing and bonding powers of a local housing authority. Res. #1522-72
 9/25/72

Moved by Commissioner Staples,

Seconded by Commissioner Saunders, that vouchers number 9113

-XI-

9-18-72

August 1972

Honorable Mayor and Members of the
Birmingham City Commission
Municipal Building
Birmingham, Michigan 48011

Subject: Report of the Senior-Citizen Housing Committee

INTRODUCTORY: On February 24, 1970, the Birmingham City Commission appointed a committee to determine if there were need for senior citizen housing in Birmingham. This Committee sent a comprehensive questionnaire to all Birmingham residents 62 years of age, or older, whose names appeared on the voting rolls. An analysis of the information obtained indicated that about 250 to 300 persons were definitely interested in such housing. A full report on the survey was mailed to Commission members, and an oral presentation made to the Commission at its meeting on June 28, 1971.

After digesting the findings of the above survey, the Commission appointed another committee in October 1971 to explore all facets associated with the construction of a senior-citizen housing development within the City of Birmingham. The findings of this committee are presented below.

NATURE OF REPORT: This report could be one of two forms -- long or short. If long, it would contain a bulk of detail which might or might not be useful and would still leave room for unanticipated questions. Therefore, the relatively short form was chosen to highlight the committee's findings and recommendations, and to forego burdensome detail.

It is recognized that with either form, questions will arise that will require answers. This will certainly be so if the Commission decides to take further action concerning senior-citizen housing because any one of several paths can be followed. If one is chosen, the committee will develop such additional information as the Commission may request.

ACTIVITIES OF THE COMMITTEE: The committee, in addition to holding several study sessions, met with representatives of the U. S. Department of Housing and Urban Development (HUD), the Birmingham City Planner, the Assistant City Manager, representatives of an architectural firm who have built large scale housing units, representatives of several local Lutheran Churches which may proceed with a large development (not in Birmingham), and visited several HUD-financed units including one in Richmond, Indiana.

Minutes of meetings and other material accumulated during the activity are available to whoever may be involved if the program is extended.

TYPES OF HOUSING: Of the several types of HUD programs, either of two were deemed appropriate for Birmingham -- Low-Income Housing, or Middle-Income Housing. -- Either may have one or two-bedroom accommodations. -- In terms of maximum income, these types are defined as follows:

	<u>Low Income*</u>	<u>Middle Income</u>
One Person	\$3,000	\$5,000
Married Couple	3,800	6,000
Two unrelated		
Same Sex	4,000	7,500

*In this category, tenants are eligible for rent supplements up to 75% of total income.

In general, HUD prefers to build for only one category or the other but will permit up to 20% occupancy of the category not originally specified. (Considerable leeway from this limit was hinted) Once approval for consideration and priorities are obtained, the size of the building in terms of the number of living units to be constructed depends on HUD's assessment of needs in conjunction with that of the sponsor.

HUD suggests that preference might be given to "low-income" housing and also definitely recommended the "turn-key" type of contract for construction, as opposed to the sponsor assuming responsibilities for all construction details. With the former type, the contractor works with the sponsor, the architect, and the local building department, and assumes all and full responsibility for construction of the facility. When finished, he "turns the key" over to the sponsor. HUD, of course, approves the plans, follows construction details, and finances the contractor, whether "turn-key" operation or other.

The development can be sponsored by a private non-profit organization, such as a church group or by a municipality. With the later, a Local Housing Authority must be established by municipal ordinance.

FINANCING: All of the senior-citizen housing developments of which the committee has knowledge were financed entirely by HUD through the sponsor.

SOME COMMENTS ABOUT AREA HOUSING DEVELOPMENTS: Whether privately or publicly sponsored, the housing developments known to the committee had several characteristics in common. They were well administered, showed excellent housekeeping and, importantly, reflected genuine concern and compassion for the residents. All had recreation facilities, some had snack areas operated on the honor system, and all possessed an atmosphere of congeniality. Two had an eating facility and one (privately sponsored) had a nursing area. Most operations were augmented by programs designed and executed by a women's auxiliary.

Three of the relatively near-by developments merit comment because of interesting features. The City of Dearborn has sponsored three low-rent facilities (6, 7 and 9 stories) with a total of 333 living units. The City contributed about \$4,000 per living unit in the form of balconies, additional conveniences, and pleasant decorative features. Each facility is most attractive.

Clawson Manor, the largest nearby facility, is sponsored by the East Michigan Conference of the Free Methodist Church, and is church oriented in its operation -- a desirable feature. The 15-story building with 263 middle-income living units presents a rather stark appearance from the outside but the interior is exceptionally well done. Special attention has been given to recreation facilities and a small commissary for food staples has been provided.

The City of Roseville, Michigan sponsors and operates two facilities (across the street from each other) for low-income families only. With a total of 102 living units, the two buildings give the appearance of attractive well-kept apartment houses. Recreation facilities include large, air-conditioned room with a fire place, a pool room, and a library which is stocked and serviced twice weekly by the Roseville Public Library. The grounds are well maintained with many little flower gardens, planted and tended by the residents. This operation is well worth a visit.

PERCENT OCCUPANCY: In all of the facilities known to the Committee, except one, the number of applications exceeded the capacity of a given building before the structure was completed. The one exception is the 18-story septagonal Cathedral Terrace at Woodward and Hancock in Detroit, the location being somewhat less than appealing. All others have waiting lists for occupancy. Clawson Manor, for example, has on its list 141 persons who have paid a \$50 deposit.

In every instance, again excepting the Cathedral Terrace, once construction was under way where physical evidence of the structure was visible, bona-fide applications usually were at least double the estimated number.

SITE FACTORS: For the elderly, low-income persons, most of whom do not own automobiles, location of a housing facility is most important. The site should be within a comfortable ten-minute walk of a shopping area, medical offices, public transportation and, hopefully a church. These requirements usually define rather high-cost land.

When the cost of land is prohibitive, the facility can be located in a somewhat remote area if the cost of frequent bus transportation overbalances the high cost of land. In Richmond, Indiana, for example, the Society of Friends sponsored a large facility on 26 acres of land outside the city. Bus service is provided to and from the city twice daily which overcomes the remoteness of location.

RESIDENCY REQUIREMENTS: If a public-housing development is sponsored by a municipality, whatever residency requirements are deemed appropriate may be applied.

RECOMMENDATION: As a result of its studies, the Committee has concluded that a senior-citizen housing development is both feasible and desirable for Birmingham. It is recommended, therefore, that the Birmingham City Commission enact an ordinance to create a Local Housing Authority as the first and necessary step toward the realization of such housing or welcome proposals from a nonprofit group, or groups, to sponsor the project.

Respectfully submitted



Charles B. Kass, Chairman

Committee Members:

Mrs. Russell N. Bell, Jr.
Mrs. Victor C. Doherty
Mr. Colin S. Grant-Watters
Mr. Felix Harrison
The Rev. David King Kerr
Mr. Michael J. McEvoy
Mr. John McPherson*
Mrs. C. E. Valentine III **

* Deceased

** Junior League Observer

City of Birmingham

151 Martin Street
Birmingham, Michigan 48012

Area Code (313)
Telephone 644-1800

August 28, 1973

School District of the City of Birmingham
550 West Merrill
Birmingham, Michigan

Gentlemen:

In accordance with the published request for bids for the Baldwin School property in Birmingham, to be sold at public auction at your offices on August 30th, 1973 at 10:00 a.m., a good faith deposit of Ten Thousand Dollars (\$10,000.00) in the form of ~~2~~ certified checks is hereby delivered for the purpose of qualifying the City of Birmingham, a Municipal Corporation, of 151 Martin Street, Birmingham, Michigan as a bidder.

Bids on behalf of the City of Birmingham will be presented at the auction by Mayor Ralph W. Moxley or his designee.

Sincerely,

CITY OF BIRMINGHAM

By

Ralph W. Moxley
Mayor

June E. Hanley
Clerk

JH/h

8:23 A.M.
8/29/73
G.S.

Birmingham remembered More on early settler Pierce

FACT SHEET

On April 5, 1976, at the regular City Election you will be asked:

PROPOSITION NO. ONE - DIAL-A-RIDE MILLAGE PROPOSITION

Shall the City of Birmingham increase its rate of taxation, not to exceed an amount of 1/2 mill (50¢ per \$1,000.00) per year of assessed valuation, for a period of two years for the purpose of providing operating funds for the Dial-A-Ride bus program?

YES ☐

NO ☐

Since July 1975, the City of Birmingham has operated a Dial-A-Ride System. We operate three mini-buses that pick you up at your front door and take you anywhere you want to go within the service area of Birmingham. A fourth bus is equipped for transporting handicapped persons. The boundaries are: 16-Mile Road, Coolidge, 14-Mile Road, and Cranbrook. Also, service is provided to Springdale Park, Lincoln Hills Golf Course, and William Beaumont Hospital.

Fares for a one-way trip are:

Senior Citizens (65 yrs. or older)	25¢
Youth (6 to 13 yrs. old)	25¢
Children under 6 yrs. (accompanied by adult)	Free
All Others	50¢

The first year's program was an experimental program. The program was paid for by the combined funds of the Federal and State Governments. The City of Birmingham contributed \$1,000.00 to the program.

Future operations, if continued, will be financed largely by the City. The State will continue to provide the buses and an operation subsidy of approximately \$11,000.00.

The cost to the taxpayers is estimated at \$80,000.00 for the next year. The estimate is based on continuing to provide this service through a private contractor. This would add approximately four tenths of a mill to your next tax bill. The City's tax on a \$40,000.00 home assessed at \$20,000.00 would be increased \$8.00 next year for this service.

The Birmingham City Commission believes the decision can best be made by the electorate.

PROPOSITION NO. TWO - PROPOSITION TO SELL OR LEASE BALDWIN SCHOOL SITE

Shall the City of Birmingham be authorized to sell, or lease and subordinate its title to a mortgage lien, that portion of the former Baldwin School site lying south of the centerline of vacated Martin Street; and the most westerly portion of said site lying north of the centerline of vacated Martin Street, and measuring 110 ft. east and west by 133 ft. north and south, subject to such restrictions as the City Commission in its sole discretion may determine practicable to assure use of the property by the Vendee or Lessee for Senior Citizen Housing and related purposes?

YES ☐

NO ☐

Upon the passage of this question, the City Commission will immediately begin negotiations to sell or lease the property for the design, construction, and management of a senior citizen housing apartment building.

The development corporation has been selected by the City Commission to develop Senior Citizen Housing on the above site. The sponsoring organization is the Baldwin House Corporation which is organized as follows:

- 3 Directors from First United Methodist Church of Birmingham
- 3 Directors from First Presbyterian Church of Birmingham
- 3 Directors from Embury Methodist Church of Birmingham
- 3 Directors from First Baptist Church of Birmingham

The organization's preliminary plans envision a five story wing on Merrill Street and a six story wing on Chester Street with the total building containing approximately 150 units.

The organization will apply for rent supplements from the federal government to reduce the rent payments of qualified tenants.

Implementation of these plans will depend upon approval of all governmental agencies involved.

The Birmingham City Commission

Moved by Commissioner Rolf,
Seconded by Commissioner Conrad, that the petition
to rezone property at 512 Southfield known as:

STANLEY & CLIZBE SUBDIVISION

N 1/2 of Lot 28 and all of Lot 29

from R-6 Multiple-Family Zone District to R-7 Multiple-Family Zone District be denied.

During discussion of the motion each Commissioner stated his own position and the following persons spoke from the audience in opposition to the proposed rezoning:

Dan Fullmer, 952 Southfield on behalf
of the Southfield Road Residents Association
Mary Q. Sutton, 393 Woodland Villa Court
John Meuller, 339 Townsend
Donald Groves, 249 Euclid
Cathy Verlo, 830 Southfield
James Burgess, 364 Valley View Lane
Merry Tuttle, 1043 Chestnut, on behalf
of the Homeowners Council

Commissioner Rolf reviewed the basis for his rationale, the request for rezoning be denied, and requested his comments be included in the minutes as follows:

"One of my reasons, ^{in addition} to the many that have been voiced this evening, for supporting the proposition that is now before us is to preserve the rationale of the zoning configuration that presently exists in that particular area."

He felt that to provide for more dense zoning would be inconsistent, not only with the property directly across the street which was recently rezoned to R-8, but ^{also with} the balance of the neighborhood.

VOTE ON THE MOTION:

Yeas: - 7

Nays: - 0

(Res. #946-76,
7-6-76)

- 914-0850-1976 -

**ZONING - HEARING - ADD SENIOR CITIZEN HOUSING
CLASSIFICATION TO R-7 MULTIPLE FAMILY ZONE DISTRICT**

Public hearing held for the purpose of considering an amendment to Title V, Chapter 39, being the Zoning and Planning Ordinance of the City Code of the City of Birmingham to add Senior Citizen Housing to the existing R-7 Multiple-Family Zone District Classification and to give consideration to other changes necessary to accommodate the new use.

Report received from the Planning Board including draft of a proposed Senior Citizen Housing Ordinance, calling attention to modifications to the standard R-7 Zoning and a number of concerns expressed by the Board.

Mr. Kenning briefly reviewed the contents of the Planning Board report, requested input from the Commission, and recommended the hearing be adjourned to July 12th, with instruction to the administration to prepare subsequent language for review at that time.

Moved by Commissioner Breck,
Seconded by Commissioner Conrad, that the public hearing to consider an amendment to the Zoning Ordinance to add a Senior Citizen Housing Classification to the existing R-7 Multiple-Family Zone Classification and changes necessary to accommodate the new use, be adjourned to July 12, 1976 at 8:00 p.m. in the Commission Room in the Municipal Building.

The administration will consider the following in their study:

1 - 5.142 - Feasibility of raising minimum lot size to 50,000 sq. ft. of land area.

2 - Attention to the definition of "Special Purpose Housing" to insure provision is made for low income people, possibly through a provision under the R-7 that a Senior Facility could be built provided the developer received authority from the Board of Appeals.

3 - Possibly adding an "h" to Item (7) requiring conformance to Michigan State Housing Authority requirements, provided the City would retain self determination.

4 - 5.2 (2) - It was felt the word "handicapped" should be deleted.

5 - Item (6) - Open Space - Suggestion that consideration be given to a provision that 50% of the open space shall be functionally usable for recreation and either reword or delete the reference to screening.

6 - 5.142 (c) - Consensus was that reference to three bedrooms should be deleted.

7 - Provide for establishment of a limitation in the number of units for a single development; a figure perhaps less than 200.

VOTE ON THE MOTION:

Yeas: - 7

Nays: - 0

- 915-0906-1976 -

DEVELOPMENT OF FORMER SEMTA PROPERTY

At this time, Louis Kilgore, Architect, and John Potter, Developer, requested the City Commission lift the moratorium on B-3 Zoning in the block housing the former SEMTA Bus Facility to permit them to proceed with plans to renovate the existing buildings. They explained they had taken an

BIRMINGHAM CITY COMMISSION PROCEEDINGS
July 12, 1976

Minutes of a regular meeting of the Birmingham City Commission held Monday, July 12, 1976 at 8:00 p.m. in the Commission Room in the Municipal Building.

Present: - Mayor Staples
Commissioners Conrad, Dropiewski, Kelly, and Rolf:
Absent: - Commissioners Breck and Watt

Administration:
City Manager - R. S. Kenning
Assistant Manager - John Saefke
Legal Advisor - Dean Beier
City Clerk - Beth Cole
Director of Finance - James Purkiss, Jr.
City Engineer - William Killeen
City Planner - Bonnie Brodie
City Treasurer - Robert Szerbiak
Building Official - Robert Rasmussen
Fire Chief - C. G. Nunnelley
Supt. Dept. Parks & Recreation - D. Middlewood
Building Dept. - Joe LaPrise

- 977-0804-1976 -

APPROVAL OF MINUTES

Minutes of the meeting held July 6, 1976 were approved with the following corrections:

Commissioner Dropiewski:
Page IV - Resolution #953-1976 - Last paragraph -
Change first line to read "Miss Kurtzman stated she would submit".

Commissioner Rolf:

Page VI - Resolution #961-1976 - Correct references to Flood Plain Use Permit on West Lincoln to "1310".

Commissioner Conrad:

Page V - Resolution #957-1976 - Add "Clarification as to the land we are referring to as "the one-foot strip adjacent to the property line abutting the street".

978-0807-1976

HEARING - ZONING - ADD SENIOR CITIZEN HOUSING TO R-7 ZONE DISTRICT

Public hearing, adjourned from June 28, 1976, held for the purpose of considering an amendment to Title V, Chapter 39, of the Zoning and Planning Ordinance of the City Code of the City of Birmingham to add senior citizen housing to the existing R-7 Multiple-Family Classification and to give consideration to other changes necessary to accommodate the new use.

7/12/76

Report received from the Planning Board itemizing several changes which had been incorporated in the draft of the proposed ordinance.

Mr. Kenning called attention to a correction on Page 1 of the draft, Section 5.35 (1)(c) - last line - delete "2" and insert "(1A)".

Moved by Commissioner Conrad,
Seconded by Commissioner Kelly, that Section 5.2 (2) be amended to read as follows:

"Special Purpose Housing: A public or private residential building containing dwelling units designed for the use and occupancy by the elderly, the units of which are rented at a rate which would be not more than 110% of the rates permitted under Federal or State subsidized housing for similar units for housing by the elderly."

Yeas: - 5

Nays: - 0

-978A-1976 -

Moved by Commissioner Conrad,
Seconded by Commissioner Kelly, that Ordinance No. 952, as amended, be adopted:

CITY OF BIRMINGHAM
ORDINANCE NO. 952

AN ORDINANCE TO AMEND SECTION 5.2, 5.35, and 5.98 AND TO ADD SECTION 5.142 TO CHAPTER 39, TITLE V - ZONING AND PLANNING OF THE CITY CODE OF THE CITY OF BIRMINGHAM.

THE CITY OF BIRMINGHAM ORDAINS:

Section 1: Section 5.2(2) is amended by adding the following definitions:

5.2(2) Elderly: A family where the head of the household is 62 years of age or older or a single person who is 62 years of age or older.

5.2(2) Special Purpose Housing: A public or private residential building containing dwelling units designed for the use and occupancy by the elderly, the units of which are rented at a rate which would be not more than 110% of the rates permitted under Federal or State subsidized housing for similar units for housing by the elderly.

Section 2. Section 5.35(1) is amended to read as follows:

5.35(1) Residential uses other than those in B-3 and B-4 Zone Districts shall maintain the following parking requirements:

(a) Every building in a Residential or Parking District, other than Special Purpose Housing, intended for residential occupancy shall provide on the same lot with such building, off-street parking facilities based upon the number of habitable rooms per dwelling unit in the following ratios:

2 or less room unit - 1.50 spaces per unit

3 or more room unit - 2.00 spaces per unit

(b) Parking for Special Purpose Housing shall be supplied in the following amounts:

1 or more room unit - .50 spaces per unit

(c) During any period of time that more than ten (10) percent of the dwelling units of a Special Purpose Housing development are occupied by other than elderly, the parking requirements set forth in paragraph (1a) of this Section shall be provided.

Section 3. Section 5.98 is amended by adding paragraph (2) to the Uses Requiring Zoning of Appeals permit to read as follows:

USE REGULATIONS

ZONE DISTRICT	PERMITTED PRINCIPAL USES	PERMITTED ACCESSORY USES	USES REQUIRING BOARD OF ZONING APPEALS PERMIT
5.98 R-7 Multiple Family Residential	1. Any permitted principal use in R-8 Zone District subject to the minimum regulations of R-8 Zone District	1. Same as R-6 Zone	1. Same as R-6 Zone District 2. Special Purpose Housing subject to the regulations of Section 5.142

Section 4. Section 5.142, a new section is added to describe the regulations applicable to Special Purpose Housing and reads as follows:

5.142

~~5.124~~ The following regulations shall apply to all Special Purpose Housing Developments. In event of a conflict between the following regulations and those of the R-7 Zone District, the regulations set forth below shall apply.

(1) Minimum Lot Size. A minimum of 60,000 sq. ft. of total land area.

(2) Maximum number of units. A maximum of 160 dwelling units.

(3) Required Minimum Lot Area in Square Feet per Dwelling Unit.

a. Efficiency and one bedroom dwelling unit - 400 sq.ft.

b. Two bedroom dwelling unit - 625 sq.ft.

(4) Required Minimum Usable Floor Area in Square Feet per Dwelling Unit.

a. Efficiency and one bedroom dwelling unit - 500 sq.ft.

b. Two bedroom dwelling unit - 700 sq.ft.

(5) Maximum Building Height

50 feet or 5 stories (See Section 5.22)

(6) Setbacks

a. Front - minimum of 15 ft. or one-half (1/2) of the building height, whichever is greater.

b. Side - each side setback shall be 12 ft. or one-half (1/2) of the building heights, whichever is greater, subject to the limitations set forth in Section 5.22.

c. Rear - 12 ft. or one-half (1/2) of the building heights, whichever is greater, subject to the limitations set forth in Section 5.22.

(7) Open Space. A minimum of 50% of the total land area shall be maintained as landscaped open space.

(8) Every Special Purpose Housing project shall receive Site Plan Review and Design Review by the Planning Board as provided for in this Chapter. The Board shall give such approvals only upon determining the following:

a. That the development, its site layout, use of open space, landscaping, pedestrian and vehicular access, and other physical features will properly serve the residents therein and will not adversely affect the general health, safety, and welfare of the community.

b. The location, size, and height of the building walls and fences are such that there is adequate open space so as to provide light, air, and access to the persons occupying the building.

c. The location, size, and height of the building walls and fences are such that there will be no interference with adequate light, air and access to adjacent properties.

The location, size, and height of the building walls, and fence are such that the reasonable development of adjoining property will not be impaired nor will the value thereof be diminished.

The site layout and its relationship to streets, driveways, and sidewalk will not interfere with, nor be hazardous to vehicular and pedestrian traffic.

f. Location and accessibility of special use rooms and area designed to provide amenities to the residents are such as to best fulfill the special purpose use.

g. Location and design of exterior spaces necessary to provide access to the building, parking facilities, outdoor recreation areas and other features are such as to best serve the occupants.

(9) Appeals. Any applicant for site plan review or any aggrieved property owner shall have the right to appeal any determination made hereunder by the Planning Board to the Board of Zoning Appeals in the same manner and subject to the same conditions as set forth for appeals in this Chapter.

ORDAINED, this 12th day of July, 1976, by the Commission of the City of Birmingham, to be effective upon publication.

Mayor

City Clerk

- 978B-1976 -

Moved by Mayor Staples

Seconded by Commissioner Kelly, that the motion be amended to delete Section 5.35 (1)(c).

VOTE ON AMENDMENT:

Yeas: - 5

Nays: - 0

VOTE ON MOTION AS AMENDED:

Yeas: - 5

Nays: - 0

- 979-0840-1976 -

REFACING OF VOLVO AUTO DEALERSHIP AT 479 SOUTH WOODWARD

Communication received from Edward A. Katz, requesting the City Commission lift the moratorium on issuance of

5199

Baldwin House

see A 503

4 5202

\$ 5315

May 14, 1976

MEMORANDUM

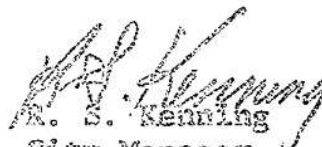
To: Birmingham City Commission

From: R. S. Kenning, City Manager

Re: Agreement of Baldwin House Corporation

Attached is a proposed agreement between the City of Birmingham and the Baldwin House Corporation for the development of the senior citizen project on the Baldwin School site. It is proposed that the City Commission should review the agreement, make any suggestions for additions or alterations, but hold formal approval of the agreement until after either variances have been granted which would permit a proposed development under the present R-7 zoning or an amendment to the Zoning Ordinance has been passed which would permit such a development.

Respectfully submitted,


R. S. Kenning
City Manager

RSK:ms
attach.

HARTMAN, BEIER, HOWLETT, MCCONNELL & GOOGASIAN
74 West Long Lake Road, Suite 1
Bloomfield Hills, Michigan 48303

May 12, 1976

Birmingham City Commission
151 Martin Street
Birmingham, Michigan

Gentlemen:

After your review of the letter outline submitted by this office, an initial draft of an agreement with Baldwin House was prepared and forwarded to it. Representatives of Baldwin House met with Mr. Kenning and me and, as a result, certain changes were made in the agreement. Copies of the revised agreement are herewith enclosed. Although representatives of Baldwin House have not reviewed the enclosed draft which contains certain revisions which they suggested and Baldwin's Board has not approved of the enclosed draft, it is my belief that the revised agreement will probably meet with the approval of Baldwin's representatives and its Board of Directors.

Our April 7, 1976, letter outline set forth certain suggested provisions for the Baldwin agreement. To some extent, the enclosed agreement does not contain those suggestions. In the following paragraphs I indicate why such changes were made and also comment on other significant provisions in the document.

1. We had suggested a deposit of \$25,000. Baldwin informs us that it has no funds with which to make a deposit and that it will not be funded until its project is approved by MSDHA, at which time it will be in a position to pay the full purchase price. There is no provision in the enclosed agreement for a deposit.

2. The agreement provides for a period of 12 months within which Baldwin may secure the State Housing loan commitment. This contrasts with the 60 day provision in our letter outline. We were advised that the 12 month period will be required.

3. The agreement seeks to avoid the City Commission committing itself to project approval until the project conforms with the Zoning Ordinance or with variances granted therefrom. The agreement (I-B) contemplates that the sponsor will submit its plans and specifications and that if amendments or variances are required, those will

be processed in the usual course and that approval will be granted only after the amendments have been enacted or the variances have been granted. If required amendments and variances are not obtained, the agreement would terminate.

4. We had suggested to you that the City would be protected against being left with a half completed project by requiring a re-conveyance in the event of default. Baldwin's representatives inform us that any such provision would make the project impossible to finance in that a general partner must be obtained to put up the equity money which the State will not be providing and that an investor could not be obtained with such a right of reverter. After much discussion, it was determined that the best protection the sponsor could give the City would be a completion bond in the amount of 50% of the contract. It was also pointed out that 10% is retained on all payments until completion. Since the cost of this bond must be added to the cost of the project and since the State requires only a bond in the amount of 25% of construction costs, the sponsor is not positive it can provide the 50% bond.

5. The State Authority has a policy which requires the inclusion of I-G relating to the City cooperating in providing family housing other than housing for the elderly.

The agreement is submitted for your consideration, comment and eventual approval. It is my understanding that until the agreement is signed and until the project complies with the Zoning Ordinance or approved variances and is approved by the City, the preliminary processing of the project with the State cannot be started.

Very truly yours,

HARTMAN, BRIER, HOWLETT,
McDONNELL & GOOGASIAN

/s/ Dean G. Reier

Dean G. Reier

DGB/mkk

Enc.

Copied 5/12/76:ms

AGREEMENT

CITY OF BIRMINGHAM - BALDWIN HOUSE

Birmingham, Michigan

_____, 1976

This Agreement entered into between the City of Birmingham, a Municipal Corporation, herein called City, and Baldwin House, a Michigan Nonprofit Corporation, herein called Baldwin,

WITNESSETH:

The City is currently purchasing under land contract the land described in Exhibit A attached hereto, which land the City has determined should be used, in order to serve the best interests of the people of Birmingham, for the purpose of providing a senior citizen housing facility. The sale of the land for such purpose has been approved (as required by City Charter) by the electors of the City.

Baldwin has submitted to the City a proposal which describes generally the appearance, size, height and bulk of a multi-story apartment building which could be built on the site and which Baldwin proposes to construct, sponsor, maintain and manage.

The City has determined to accept Baldwin's proposal and the parties are desirous of entering into an agreement setting forth the terms and conditions under which the City will sell its land to Baldwin, Baldwin will construct the senior citizen housing

project proposed, and the use, management and occupancy of the building, upon completion, will be such that the City's objective of providing quality senior citizen housing will be fulfilled.

Now, therefore, the parties agree as follows:

I. THE SALE OF LAND

The City agrees to sell and Baldwin agrees to buy the land described in Exhibit A for the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00), which sum shall be paid in cash at the time of closing. This agreement to buy and sell such land is conditioned upon (1) Baldwin being able to obtain financing for the project which is satisfactory to it, and (2) the parties agreeing upon the plans and specifications for the building and other improvements to be placed on such land.

A. Baldwin shall immediately undertake to secure necessary financing for the project. If such financing has not been secured within twelve (12) months from the date of this Agreement, Baldwin shall notify the City in writing and this Agreement shall thereupon terminate and both parties shall be relieved from any further rights, duties or liabilities thereunder unless such time limitation is extended by mutual agreement of the parties.

B. As soon as reasonably possible after the signing of this Agreement, Baldwin shall submit to the City plans and specifications for the proposed project which shall be in sufficient detail to provide the City

with such information as it may deem necessary in order to consider and approve or disapprove of the project. If agreement on such preliminary plans and specifications has not been reached by the parties within sixty (60) days from the date of their submission, this Agreement shall thereupon terminate and both parties shall be relieved of any further rights, duties or liabilities thereunder. The parties understand that Baldwin's plans may not strictly comply with all applicable provisions of the City Zoning Ordinance and that it may be necessary for Baldwin to obtain variances from the City Board of Zoning Appeals or that one or more Zoning Ordinance amendments may be necessary to permit construction of Baldwin's proposed structure. By entering into this Agreement, the City makes no agreement or commitment that any variance will be granted or that any amendment to the Zoning Ordinance will be adopted. If any Ordinance amendment or variance is required, the period within which agreement must be reached on plans and specifications shall be extended from the sixty (60) days above provided for to a total of one hundred twenty (120) days.

C. If within the time limit provided for in A. above Baldwin secures project financing satisfactory to it, it shall promptly notify the City thereof in writing. Upon receipt of such notice or upon mutual agreement as to plans and specifications, whichever shall last occur, the City shall, as soon as possible,

provide Baldwin with a commitment for title insurance in the amount of the purchase price guaranteeing marketable title in the City free of all liens, claims and encumbrances. Baldwin acknowledges that it is aware that fee title is presently vested in the City's land contract vendor. Baldwin will not object to marketability of title if the City's vendor holds marketable title and conveys it to the City at the time of closing.

D. If no objection to the condition of title is made, the sale shall be consummated by delivery of a warranty deed and payment of the purchase money within thirty (30) days from the date the commitment for title insurance is delivered to Baldwin.

E. If objection to the title is made based upon a written opinion of Baldwin's attorney that the title is not in the condition as required for performance hereunder, the City shall have thirty (30) days from the date it is notified in writing of the particular defects claimed to remedy the title. If the City remedies the title within the time specified, Baldwin agrees to complete the sale within thirty (30) days of written notification thereof. If the City fails to remedy the title or to give Baldwin the above written notification within said thirty days, Baldwin may, by giving written notice of its intent so to do, waive any defects, whereupon the transaction shall be consummated within ten (10) days after such written waiver notice. If the City fails to remedy the title or to give Baldwin the above

written notification within said thirty days and Baldwin does not give the written waiver above described within the ten day period, this Agreement shall terminate upon the expiration of said ten day period.

F. In the event the purchase is consummated, the City shall not be required to provide Baldwin with a title insurance policy issued pursuant to the furnished commitment.

G. The City acknowledges that Federal and State policy requires that non-elderly government assisted housing, as well as assisted elderly housing, be provided to the extent needed and feasible in each housing market area. Therefore, the City agrees to cooperate in any reasonable way consistent with City Ordinances and policies in providing such existing, rehabilitated and/or new housing as the Michigan State Housing Development Authority and/or the U. S. Department of Housing and Urban Development shall reasonably require as a condition of providing financing and assistance to the Baldwin project.

II. CONSTRUCTION OF THE PROJECT

Once the closing in "I" above has taken place, Baldwin shall do everything reasonably possible to forthwith commence construction of the project and complete it with all due diligence.

A. Construction plans and specifications shall be completed and a building permit for the building applied for as soon as possible. Such plans and specifications

must be in substantial conformity with those previously agreed upon by the parties unless changed by mutual agreement of the parties. Prior to commencing any construction, Baldwin shall provide the City with a labor, materials and completion bond, naming the City as a beneficiary, issued by a surety company licensed to do business within the State of Michigan in a sum not less than fifty percent (50%) of the total construction cost as set forth in the contract(s) entered into by Baldwin for the construction of the building(s) for which permit(s) have been secured.

B. The building and all related improvements shall be completed so as to qualify for a certificate of occupancy as promptly as possible after the issuance of the building permit. Baldwin shall make every effort to have the building ready for occupancy at the earliest possible date and to that end will provide adequate and competent supervision of the project at all times.

III. OPERATION AND MANAGEMENT OF THE COMPLETED PROJECT

A. Once completed, the apartments constructed on the Exhibit A land shall be managed and maintained by Baldwin so that the building and the land and other improvements are clean, safe and neat in appearance. To this end, Baldwin shall:

1. See that all provisions of the Birmingham City Code are fully complied with.
2. Retain a professional management agent which shall hire and have available at all time a competent,

experienced on-site manager whose name, address and telephone number shall be on file with the City Clerk at all times and who shall occupy one of the dwelling units located on the premises.

3. Comply with all reasonable requests of the City which have as their objective maintaining the project in a clean, safe and neat appearing condition.

B. Regardless of whether or not the Michigan Housing Development Authority is involved in the financing of the project, Baldwin shall lease or rent apartments only to tenants who qualify as "elderly" under the provisions of the Michigan Housing Development Authority Act (Act 546 of 1966) or to such other persons who qualify for housing under said Act. In the event the qualifications of such persons shall change by amendment to the Act or by regulation of the Authority, the qualifying requirements in effect at the time a tenant contracts for occupancy shall be applied. Baldwin shall give priority to prospective tenants who qualify for rent subsidies or assistance from a Federal or State government program.

C. As a representative of the public, the City is recognized as having a proper continuing interest in seeing that the project, upon completion, is properly managed and maintained and that apartment occupancy by Baldwin's tenants is in accordance with Subparagraph B. above.

IV. GENERAL PROVISIONS

A. During the period between the signing of this Agreement and the closing of the purchase, Baldwin shall have the

right to go upon the site to make such reasonable engineering and soil studies as it may deem necessary. In the event the purchase herein provided for is not consummated for any reason, all studies, reports and information which Baldwin may have obtained relating to the premises shall be turned over to the City.

B. Pursuant to Section 15a of Act 346 of 1966, the land conveyed by the City to Baldwin shall be exempt from taxation for so long as any federally-aided or State Housing Development Authority financing is in effect, provided that such exemption period shall not exceed fifty (50) years. The owner of the project constructed on the Exhibit A property shall pay to the City an annual service charge, in lieu of taxes, in the maximum amount as may be permitted by the Michigan State Housing Authority, but in any event not less than ten percent (10%) of the annual shelter rents, as defined in Public Act 346 of 1966, received by Baldwin during each year.

Baldwin shall be liable for and pay to the City taxes on the premises for the period elapsing between the date title is conveyed and the date that the property becomes exempt from taxes pursuant to Section 15a of Act 346. Such taxes shall be computed using the purchase price as the fair market value, applying the then current tax rates for the applicable taxing entities, and prorating such taxes on a due date basis.

C. No assignment or transfer of Baldwin's interest in the property described in Exhibit A, other than as such may result from the foreclosure of a mortgage or security interest, shall be made until and unless such conveyance or assignment shall have been first approved by the City, which approval shall not be

• . . unreasonably withheld, provided, however, that an assignment or
• . . transfer of Baldwin's interest in the premises to a limited
partnership in which Baldwin is a general partner shall not
require any approval from the City.

D. The provisions of this Agreement shall not be deemed
to merge in the conveyance of the real estate herein referred to.
The rights and liabilities of the parties as herein set forth,
insofar as they may not be fulfilled or mooted by the transfer of
land title, shall continue in existence subsequent to the closing
of the land purchase.

CITY OF BIRMINGHAM, a Municipal
Corporation

By
Samuel W. Staples, Mayor

By
Beth Cole, Clerk

BALDWIN HOUSE, a Michigan
Nonprofit Corporation

By
Its

By
Its

SUPPLEMENTAL AGREEMENT

CITY OF BIRMINGHAM - BALDWIN HOUSE

Birmingham, Michigan
November 29, , 1977

The City of Birmingham, a Municipal Corporation; and Baldwin House, a Michigan Nonprofit Corporation, entered into an Agreement dated December 6, 1976, relating to the acquisition of property described therein for use as a senior citizen housing project. That Agreement will expire December 6, 1977, and the parties are desirous of extending the effective period of the Agreement and making certain amendments and modifications thereto.

Now, therefore, the parties agree as follows:

1. Paragraph I. A. is amended to read as follows:

A. Baldwin shall immediately undertake to secure necessary financing for the project. If such financing has not been secured by February 6, 1978, Baldwin shall notify the City in writing and this Agreement shall thereupon terminate and both parties shall be relieved from any further rights, duties or liabilities thereunder unless such time limitation is extended by mutual agreement of the parties in writing.

2. Paragraph I. B. is amended to read as follows:

B. As soon as reasonably possible after the signing of this Agreement, Baldwin shall submit to the City plans and specifications for the proposed project which shall be in sufficient detail to provide the City with such information as it may deem necessary in order to

Agreement on such preliminary plans and specifications shall be reached by the parties within sixty (60) days from the date of their submission or within such additional time period as the parties may agree to. The parties understand that Baldwin's plans may not strictly comply with all applicable provisions of the City Zoning Ordinance and that it may be necessary for Baldwin to obtain variances from the City Board of Zoning Appeals or that one or more Zoning Ordinance amendments may be necessary to permit construction of Baldwin's proposed structure. By entering into this Agreement, the City makes no agreement or commitment that any variance will be granted or that any amendment to the Zoning Ordinance will be adopted. If any Ordinance amendment or variance is required, the period within which agreement must be reached on plans and specifications shall be extended from the sixty (60) days above provided for to a total of one hundred twenty (120) days or within such additional time period as the parties may agree to. Plans and specifications sufficient for the issuance of a building permit shall be submitted by Baldwin to the City's Building Official on or before June 8, 1978. If the time limitations set forth in this paragraph are not met, this Agreement shall terminate and both parties shall be relieved of any further rights, duties or liabilities thereunder.

3. Paragraph I. G. is amended to read as follows:

G. The City acknowledges that Federal and State

provided in each housing market area. Therefore, the City agrees it will consider such requirements.

4. A new section, I. H., is added to read as follows:

H. Baldwin House shall not take any steps toward acquiring any interest in or providing any type of housing other than Senior Citizen Housing.

Except as herein modified and amended, the Agreement dated December 6, 1976, is hereby ratified and confirmed.

CITY OF BIRMINGHAM, a Municipal Corporation

Carzen B. King

By Dorothy J. Conrad
Mayor

Judith A. Benn

By Phyllis Armour
Clerk

BALDWIN HOUSE, a Michigan Nonprofit Corporation

Therese H. Aspinwall

By Alice W. Burlingame
Its President

Russ A. Wagner

By L. Spencer Brainerd
Its Secretary

SEVEN, HOWELL, I.

McCONNELL, GOOGASIAN

& McCANN

74 WEST LONG LAKE RD., SUITE 1

BLOOMFIELD HILLS, MICH. 48013

(313) 645-9400

CITY OF BIRMINGHAM
MICHIGAN

COMMISSION PROCEEDINGS

NOVEMBER 28, 1977

Minutes of a Regular Meeting of the Birmingham City Commission held Monday, November 28, 1977, at 8:20 P.M., in the Commission Room in the Municipal Building.

Present: Mayor Conrad, Commissioners Dropiewski, Kelly, Staples, Ring and Underwood

Absent: Commissioner Watt

Administration:

City Manager - R. S. Kenning
City Clerk - Phyllis Armour
Legal Advisor - Pamela Shea
1 Operations Auditor & Coordinator - James Rosen
City Engineer - William Killeen
City Treasurer - Robert Szerbiak
City Assessor - Clark Hagstrom
City Planner - Bonnie Brodie
Finance Director - James Purkiss, Jr.
Superintendent DPW - Chester Hunter
Superintendent Parks & Recreation - D. Middlewood
Personnel Director - Robert Kendall
Grants Administrator - Leonard Watchowski
Acting Police Chief - Edward Ostin
Fire Chief - C. G. Nunnelley

1489-77: 8:21

APPROVAL OF MINUTES - COMMISSION MEETING -
NOVEMBER 21, 1977

MOTION: Motion by Commissioner Staples, supported by Commissioner Dropiewski:

✓ To approve the Minutes of the Meeting held November 21, 1977, as printed.

VOTE: Yeas, 6 Nays, None Absent, Watt

8:22

1490-77: PROPOSED AMENDMENT - BALDWIN HOUSE AGREEMENT

Mayor Conrad stated that on November 7, 1977, the Birmingham City Commission met to consider extending the Baldwin House Contract which was to lapse on December 6, 1977; that Baldwin House had been promised funding from MSHDA and some seed money to start the project, but, in order to receive funds, their contract had to be extended; that, on that evening a group of residents appeared before the Commission to voice their concern for low and moderate income housing as a condition for receiving funding for senior citizen housing; that some of those present made suggestions on other methods of funding; that the Commission postponed action on the contract for three weeks during which time the Housing Commission and the Administration were to investigate other means of funding the project; that the Housing Commission, the Administration and the City Commission had spent three weeks attempting to put out a fact sheet so that the community would be informed about the project and to find out if there were alternative methods of funding senior citizen housing.

Mayor Conrad further explained that on November 22, 1977, she and Commissioner Watt, along with the City Manager and members of the Housing Commission, met with the MSHDA Board and HUD to get some answers to inquiries that had been made. Mayor Conrad reviewed a report she had made to the Commission after the meeting with MSHDA and HUD, as follows: that the situation that is developing in Birmingham regarding the family housing requirements was outlined for MSHDA and asked to have Baldwin House released from providing the 50 family units; that MSHDA's reply was that they feel they are following a mandate; that they have an obligation to their investors and the State and Federal governments to provide better housing for all of the people of Michigan.

The report further stated that it was suggested that MSHDA might consider funding the senior citizen project and work with the City to come up with a proposal which would meet MSHDA's requirements for family housing - said program to be controlled by the City of Birmingham; that no decision or commitment was made but that MSHDA agreed to take the suggestion under advisement and referred the project back to staff; that it was suggested that the Baldwin contract be extended for a short period of time to keep the senior project alive.

Mayor Conrad further stated that at the meeting with HUD other means of financing the senior citizen project without family housing were discussed, and that HUD informed them that to assist in providing senior housing without family housing would be contrary to the law and poor policy on the part of HUD; that HUD does not have funds available at the present time to fund the senior housing project and that they do not know when they will have funds.

The following recommendations were made in the Mayor's report:

1. That the Birmingham City Commission extend the contract with Baldwin House for purchase of the land for senior housing for 60 days.
2. Request the Birmingham Housing Commission hold public hearings for input and draft a proposal of possible alternative methods of providing a local HAP to be presented to MSHDA for consideration and search for alternate means of funding for the senior housing project.
3. Have the Mayor and Birmingham Housing Commission Chairman convey to MSHDA the decisions reached here tonight.

Mayor Conrad stated that petitions have circulated asking that the question of senior and family housing be put on the ballot, and explained that without a contract, there is no issue to put on the ballot; that if the contract with Baldwin House is not extended, the project will die, and a short extension of the contract would keep the senior citizen housing alive and permit the investigation of other methods of meeting the requirements or other means of funding.

Commissioner Kelly requested that, in the future, he be advised in advance of any meetings of the type which took place with MSHDA and HUD. Commissioner Kelly also requested that the record show that he spoke at a public meeting on November 17, 1977, but that he had not spoken at any meetings held in private homes; that non-elderly housing is something which is being forced on the people and that the question should be put on the ballot and let the people speak.

Commissioner Dropiewski stated that the people deserve to know what will be expected of them if they want senior citizen housing in the community - that they either accept state or federal financing or pay for it themselves; that they must be willing to come up with tax money to subsidize senior citizen rentals. Commissioner Dropiewski further stated that she is not averse to placing the question on the ballot, but that the question must be defined as to whether or not you are in favor of state or federal financing; are you in favor of a bond issue and taking subsidies out of the general fund to subsidize rents for our senior citizens.

Nancy Elby, 520 Aspen, read a statement and presented to the Commission petitions containing 4,673 signatures requesting that the Commission withhold the signing of a contract with Baldwin House Corporation and to place the issue of low income housing on the ballot in April, 1978. * See Res 1514-77, 12-5-77, for addition

In answer to the question by John Sirich, 819 Lake Park, Mayor Conrad explained that the 60-day extension on the contract does not permit Baldwin House to seek low income housing; that the City owns the land for the proposed senior citizen housing, and nothing can happen until the City sells the land.

The following people spoke in favor of the senior/family housing: Nancy Johnson, 1666 Birmingham Boulevard, for the League of Women Voters; Jean Mayer, 945 Poppleton; Merry Tuttle, 1043 Chestnut; Jim Wright, 947 Puritan.

The following people asked questions regarding senior/family housing: Frank VonKoss, 1355 Milton, Tom Cusick, 1732 Birmingham Boulevard; Ray Green, 1345 Yosemite; John Meehan, 656 Chester; Gary Kain, 1896 Banbury; Dave Martens, 881 Wallace; Bill Murphy; Mr. Paige, West Maple; Charles March, 556 Lawless.

The following people spoke in favor of placing the issue of low income housing on the ballot: Leonard Cercone, 672 Hanna, Fred Elby, 520 Aspen, Rose Nahabedian, 520 Aspen; Pete Awedian, 540 South Chester; Ray Green, 1345 Yosemite.

MOTION: Motion by Commissioner Underwood, supported by Commissioner Dropiewski:
That the contract with Baldwin House be extended for 60 days to enable Baldwin House Corporation to pursue financing for senior citizen housing only, and the Housing Commission to begin hearing on methods of meeting family housing requirements or another method of funding.
Mayor Conrad read a statement from Commissioner Watt who requested it be made part of the record, as follows:

"The Baldwin House Corporation was chosen by the Birmingham City Commission to build the senior citizen building. The voters voted "Yes" for the sale of the property for a senior citizen building, and the plans, as submitted by the Baldwin House Corporation, were those placed before the public at that time.

"I join with Mayor Conrad in making a plea to MSHDA to fund the purchase of the old school site and construction of the senior citizen building by the Baldwin House Corporation without the requirement of the 50 houses. Therefore, I believe the contract with Baldwin House Corporation should be renewed with the appropriate wording which would authorize them to purchase the old school site and to construct the senior citizen building only".

MOTION: Motion by Commissioner Kelly:
To amend the Motion by excluding Sections 2 and 3 from the Supplemental Agreement between the City of Birmingham and Baldwin House Corporation.

MOTION FAILED FOR LACK OF SUPPORT..

MOTION: Motion by Commissioner Underwood, supported by Commissioner Dropiewski:
Move the Previous Question.

VOTE: Yeas, 4 Nays, Kelly, Ring Absent, Watt
MOTION FAILED

Mr. Robert Cobb, 965 North Woodward, suggested that a Task Force be appointed by the Housing Commission, made up of citizens of the community and members of Baldwin House, which would study the questions presented at this meeting and present the facts to the community; that the Task Force be directed to report back to the City Commission.

Mayor Conrad advised Mr. Cobb that Item 2 in the recommendations in her report to the Commission were adaptable to his suggestion.

MOTION: Motion by Commissioner Ring, supported by Commissioner Underwood:
Move the Previous Question.

VOTE: Yeas, 5 Nays, Kelly Absent, Watt

VOTE ON THE MAIN MOTION:
Yeas, 5 Nays, Kelly Absent, Watt

10:55 P.M. Meeting recessed.

11:40 P.M. Meeting reconvened.

11:40

1491-77: DOUGLAS F. MERNITZ - MSHDA - RE: BALDWIN HOUSE CORPORATION

Communication, dated November 16, 1977, received from Douglas F. Mernitz, Housing Development Specialist, Michigan State Housing Development Authority, responding to a letter of November 9, 1977, from Commissioner Kelly, which asked several questions re: Baldwin House Non-profit Housing Corporation.

Commissioner Kelly requested the record to show that he found Mr. Mernitz' answers to his questions unacceptable.

11:41

1492-77: R. J. BAXTER - OPPOSITION TO BALDWIN HOUSE
CONTRACT EXTENSION

Communication, dated November 11, 1977, from R. J. Baxter, 1720 Birmingham Boulevard, expressing opposition to the extension of the Baldwin House contract, was received.

11:42

1493-77: LOUIS KILGORE - BIRMINGHAM STAMPS & COINS -
REQUEST RE: PARKING - 1287 SOUTH WOODWARD

MOTION: Motion by Commissioner Dropiewski, supported by Commissioner Ring:

To receive communication, dated November 11, 1977, from Louis Kilgore, Architect, of Louis Dean Kilgore & Associates AIA, 279 South Woodward, requesting that permission on behalf of the property owner, C. E. Raymann and Sons, and the business, Birmingham Stamps and Coins, to use the parking spaces in front of 1287 South Woodward; to refer to the Administration for recommendation, to be brought back to the Commission.

VOTE: Yeas, 6 Nays, None Absent, Watt

11:46

1494-77: PAUL H. JOHNSON RE: LANDLORD LICENSING

MOTION: Motion by Commissioner Staples, supported by Commissioner Dropiewski:

To receive communication, dated November 11, 1977, from Paul H. Johnson, 225 Merrill Street, requesting that a change be made in the fee structure of the licensing and inspections of apartment units and/or rooms; to refer to the Housing and Maintenance Committee for report back to the Commission.

VOTE: Yeas, 6 Nays, None Absent, Watt

11:47

1495-77: AMERICAN PAPER INSTITUTE, INC. RE: PAPER RECYCLING

Communication, dated November 9, 1977, received from the American Paper Institute, Inc., 260 Madison Avenue, New York, New York, re: maximum citizen participation in the paper recycling program, and outlining suggestions on how to achieve this goal.

11:48

1496-77: BALDWIN PUBLIC LIBRARY - REQUEST TO USE BALDWIN
SCHOOL SITE FOR PARKING - DECEMBER 18, 1977

MOTION: Motion by Commissioner Staples, supported by Commissioner Dropiewski:

To receive communication, dated November 21, 1977, from Grace Loud, President, Board of Trustees, Baldwin Public Library, and to grant the request contained therein for use of the Baldwin School site for parking for their Fiftieth Anniversary celebration on December 18, 1977.

VOTE: Yeas, 6 Nays, None Absent, Watt

11:49

1497-77: SEMTA RE: ANNUAL PLAN - FY'79

Communication, dated November 9, 1977, received from Larry Salci, General Manager, Southeastern Michigan Transportation Authority, commenting on the SEMTA Annual Plan FY'79.

- V -

11/28/77

RY ELECTION - APRIL 3, 1978

35° - RAINY

COMMISSIONER
Three (3) Year Term
VOTE FOR not more than THREE (3)

LIBRARY BOARD
Three (3) Year Term
VOTE FOR not more than TWO (2)

Library Board
One (1) Year
Unexpired Term
VOTE FOR ONE (1)

QUESTION NO. 1

QUESTION NO. 2

BOND ISSUE
SENIOR
CITIZEN HOUSING

SENIOR
CITIZEN HOUSING
ADVISORY QUESTION

	A.V.	Pct. Vote	Pct. & A.V.	%	TOTAL REG.	George BARTON JACKSON	Bartolo JOHNSON	Gary W. KAIN	Herbert L. RINE	Samuel W. STARLES	Arthur J. UNDERWOOD	William E. YORK	Georgia HURLEY MURZ	Harold F. FUTWELL	Diane M. GUNN	YES	NO	YES	NO
1	30	446		48.85	913	175	134	176	178	181	186	185	276	237	288	33	399	132	311
2	39	518		45.64	1,135	171	128	189	238	242	262	186	273	256	286	52	449	218	292
3	42	610		49.27	1,238	233	125	234	273	283	297	269	352	332	381	52	549	212	390
4	29	270		38.57	700	138	60	117	89	98	98	131	107	108	121	19	236	65	201
5	20	285		36.40	783	130	75	119	106	113	111	122	141	126	164	26	244	84	191
6	12	358		34.66	1,033	181	82	195	99	113	111	182	178	171	192	38	315	66	287
7	12	473		42.04	1,125	196	137	170	192	173	171	196	256	241	282	56	408	108	355
8	37	398		42.98	926	213	113	191	140	145	147	192	233	229	254	30	360	95	303
9	32	485		46.41	1,045	263	141	265	118	141	126	257	250	234	280	28	448	93	387
10	8	251		27.52	912	145	69	134	58	56	58	151	109	115	135	28	216	47	197
11	2	294		38.84	757	204	93	220	40	43	42	187	146	133	169	24	261	29	257
12	18	314		32.57	964	115	95	117	123	133	149	116	188	187	213	39	270	98	209
13	26	389		43.71	890	140	131	144	143	148	168	181	234	217	251	32	350	95	289
14	28	456		46.91	972	222	104	227	153	153	168	239	261	265	289	27	420	113	93
15	15	430		47.67	902	185	111	166	191	196	188	173	238	229	256	35	388	142	286
16	6	354		45.91	771	184	113	245	58	66	73	206	170	176	199	32	318	41	310
17		151				51	38	53	62	71	74	53	112	111	114	29	117	77	72
18		192				73	52	81	73	76	80	89	157	152	157	35	152	57	134
356	6,674			44.30	15,066	3,019	1,801	3,043	2,334	2,431	2,509	3,115	3,681	3,519	4,031	615	5,900	1,772	4,564

First Commission meeting after 3 new Commissioners elected and both Baldwin House Ballot questions fail

CITY OF BIRMINGHAM
MICHIGAN

COMMISSION PROCEEDINGS

APRIL 10, 1978

Minutes of a Regular Meeting of the Birmingham City Commission held Monday, April 10, 1978, at 8:00 P.M., in the Commission Room in the Municipal Building.

8:01

431-78: OATH OF OFFICE

At this time the City Clerk administered the Oath of Office to George B. Jackson, Gary W. Kain and William E. York who were elected to three-year terms to the City Commission.

8:04

432-78: ELECTION OF TEMPORARY CHAIRMAN

Nominations for the position of Temporary Chairman were received by the City Clerk as follows:

Nomination by Commissioner Jackson, seconded by Commissioner York:

That Commissioner Robert T. Kelly be nominated for the position of Temporary Chairman.

MOTION: Motion by Commissioner Kain, supported by Commissioner Kelly:

That nominations for the office of Temporary Chairman be closed.

VOTE: Yeas, 7 Nays, None

VOTE ON NOMINATION:
Yeas, 7 Nays, None

8:05

433-78: ELECTION OF MAYOR

Commissioner Kelly assumed the Chair and requested nominations for the office of Mayor.

Nomination by Commissioner York:

That Robert T. Kelly be nominated to the office of Mayor of the City of Birmingham for 1978-79.

Nomination by Commissioner Dropiewski:

That Patricia K. Watt be nominated to the office of Mayor of the City of Birmingham for 1978-79.

In making the above nomination, Commissioner Dropiewski made the following statement:

"The Commissioners of the City of Birmingham have a long and honorable tradition of unselfishness in their choice of the office of Mayor. This is based upon a recognition of each others abilities as Commissioners and a respect for each Commissioner's abilities. When an individual is chosen for the office of Mayor Pro Tem, it is understood that if the individual so chooses they will then serve a term as Mayor. There is an inherent fairness in this process as the Mayor Pro Tem shares the duties and aids the Mayor in the Mayor's term of office and is, therefore, prepared to continue and take the office of Mayor. In keeping with this same tradition, and most particularly because of her desire to serve and her administrative capabilities and experience, I am pleased to nominate Commissioner Patricia Watt for the upcoming term of Mayor of the City of Birmingham."

Commissioner Kelly made the following statement:

"As all of you leave, one thing you might do, over the water cooler in the hallway, there's a picture of a very lovely lady, a very dedicated woman who served three consecutive terms as mayor of this community - Twink Willett. There's nothing in the Charter that says that any person automatically becomes mayor, and, also, in the Charter Review Study that was submitted to us by the Charter Review Committee, while it has not been passed, it's a recommendation under Chapter III - Plan of Government - it says '.....However, there was a consensus among the Committee members that the selection of mayor should be based on criteria which are relevant to the needs of the city and the qualifications of the candidate and that the office of mayor should not automatically be rotated among the commission members'. I subscribe to that. I respect Pat Watt very deeply, but I must say to you here tonight that any person, be it my own brother or sister, who is under the cloud of recall, I could not vote for. There is no procedure for this. Bob Page one year stepped aside in favor of Charlie Renfrew. It has happened before, I'm sure it will happen again. I solicited this, I want it, I think I can serve this city well, and, consequently, I intend to vote for myself."

VOTE ON NOMINATION FOR ROBERT T. KELLY:

Yeas, 4 (Jackson, Kain, Kelly, York)
Nays, 3 (Conrad, Dropiewski, Watt)

VOTE ON NOMINATION FOR PATRICIA K. WATT:

Yeas, 3 (Conrad, Dropiewski, Watt)
Nays, 4 (Jackson, Kain, Kelly, York)

434-78:

ELECTION OF MAYOR PRO TEM

Mayor Kelly requested nominations for the office of Mayor Pro Tem.

Nomination by Commissioner Kain:

That George B. Jackson be nominated to the office of Mayor Pro Tem of the City of Birmingham for 1978-79.

Nomination by Commissioner Conrad:

That Patricia K. Watt be nominated to the office of Mayor Pro Tem of the City of Birmingham for 1978-79.

VOTE ON NOMINATION FOR GEORGE G. JACKSON:

Yeas, 4 (Jackson, Kain, Kelly, York)
Nays, 3 (Conrad, Dropiewski, Watt)

VOTE ON NOMINATION FOR PATRICIA K. WATT:

Yeas, 3 (Conrad, Dropiewski, Watt)
Nays, 4 (Jackson, Kain, Kelly, York)

8:10

435-78: OATH OF OFFICE - MAYOR AND MAYOR PRO TEM

The City Clerk administered the oath of office to Mayor Robert T. Kelly and Mayor Pro Tem George B. Jackson.

Mayor Kelly made the following statement:

"I believe your government should be: 'By the people and for the people.' Your City Commissioner is your spokesman in local affairs. In my opinion, current problems and future programs of the City of Birmingham call for a common-sense approach in their consideration, with accountability to all the members of the business and residential community.

"My voting record has been one of thorough review and careful consideration of all sides of every issue. I feel this positive approach is necessary to maintain a healthy and viable city. I have not and will not, for the sake of expediency, cast a vote until those most affected have been heard from.

"Birmingham is an outstanding community, and I am dedicated to keeping it that way. Sound business development, with proper protection for our residential areas, is a must. I will not turn the zoning or re-zoning of our City over to advocates of unrealistic programs projecting unproven promises of "progress".

"Good local government must be close to the people. This philosophy means I have always welcomed hearing from you, and I shall continue this policy of keeping myself available for your community needs."

"Ladies and gentlemen, I wanted to read that because I had 10,000 of those printed in 1974. That was my position then, that is my position now. I want to thank the people of Birmingham for the tremendous voter turnout a week ago today - 44.3% - I think it was a tremendous response from a fine community. I want to thank Commissioner Jackson, Commissioner Kain and Commissioner York and Bart Johnson for having the courage to run. I want to welcome Commissioner Jackson, Commissioner Kain and Commissioner York to this Commission tonight. I want to thank all of you who started working last November. You worked on through with petitions through the holiday season, January, February, to achieve your goal. I want to state to you tonight senior citizen housing did not lose in Birmingham last Monday - representative government won, and it must keep on winning. We opposed more dictation by big government - that's what the people opposed in this community last week. I wish I could express sympathy to the few who failed to recognize the pride, the fiber, the dedication of this fine old city, settled in 1822 - not a new suburb, but an old city. It has always been here. Jean and I sensed it when we moved here 30 years ago. It is still as proud and friendly as ever, with the determination to be involved when necessary. It has always been a city of fine strong people, wanting to trust, but willing to question.

"To those members of the press who have followed this all along, such as Tom Scott, Tina Noor, and June Brown, who did such a fine informative job of reporting, I say thanks to them. I think June Brown's article yesterday in the Detroit News explained this community. To those dedicated members of the clergy who worked so hard to bring the non-elderly housing program here, I say go a short distance away and help those who are really in need. Let us know, and we will help them also.

"Regarding senior housing, a citizens committee will be appointed by this City Commission to investigate and report back to this City Commission - that is the goal stated during the campaign by Commissioner York, Commissioner Jackson and Commissioner Kain, and I support it. What answers we come up with will be through an open and informative program. We will work hard in the best interest of the majority of the people of this community.

"Beyond thanking all of you again for reaffirming my faith in this community, I want to thank one person who suffered with me and without whose love and strength I wouldn't be here tonight. She typifies everything that is wonderful, great and good, just like this city, my bride of 32 years, Jean.

"Birmingham, as always, is still the great dream, attainable by any, a reality that need only be earned."

Commissioner Conrad made the following statement:

"I am sure the comments I have to make will not make some people happy, but I am not happy with some things that have happened here this evening. As the retiring Mayor of the City of Birmingham, I want you first of all to know though it has been ammost hectic year I have enjoyed it, I have enjoyed representing the City of Birmingham. I want to thank the Administration - we have a very fine one in this city - for all of the help they have given me this past year when we had many, many problems.

"A tradition that has served Birmingham well for many years has been broken. The position of mayor has never been a power play grab in our city. Tonight, a tradition that has served us well has been swept away. The system of passing the position of mayor along to the mayor pro tem developed through the years. This system has provided this city with a variety of mayors, and the city has benefited. No one person, no single philosophy, has dominated our legislative body, and this city has prospered. Birmingham has been spared all of the petty, political hassles found in other communities in selecting a mayor. Birmingham has fared well under this system. There must be something right in holding on to that which has served us so well.

"Birmingham City Commissioner Patricia Watt has served this city for over 20 years. We have all benefitted from her service to this city. Never one to loudly proclaim her many contributions to our city, she has quietly gone about the business of making life better for everyone.

"Pat served as Mayor Pro Tem this past year. As a representative of Birmingham, she brought respect to the City, for Pat is a lady that people respect. Her crime - she let the voters decide a housing plan that she supported.

"Patricia Watt's long list of community service, her many years of dedication to this city, earned her the right to become 'Her Honor, the Mayor'. There is no honor in the action taken here tonight, there is no honor in this power play, there is no honor in this game for the City of Birmingham.

"The next few weeks will be very difficult ones for this whole Commission - there are major decisions facing us.

"I will not dwell on what should have been - I will give this job my best as I have always done. I know Commissioners Watt and Dropiewski will do the same."

8:24 P.M. - Meeting recessed

8:35 P.M. - Meeting reconvened

8:35

436-78: CALL TO ORDER - ROLL CALL

The meeting was called to order by Mayor Kelly and the roll call taken.

Present: Mayor Kelly, Commissioners Conrad, Dropiewski, Jackson, Kain, Watt and York

Absent: None

SPECIAL ELECTION - MAY 8, 1978

60° - RAINY

CONRAD

DROPIEWSKI

WATT

RECALL PROPOSITION

Shall Dorethy J. Conrad be recalled from the office of City Commissioner of the City of Birmingham, Oakland County, Michigan?

RECALL PROPOSITION

Shall Ann M. Dropiewski be recalled from the office of City Commissioner of the City of Birmingham, Oakland County, Michigan?

RECALL PROPOSITION

Shall Patricia K. Watt be recalled from the office of City Commissioner of the City of Birmingham, Oakland County, Michigan?

P C T	ABSENT VOTER BALLOTS ISSUED	PRECINCT VOTE	PCT. & A.V. VOTE	PERCENT (%)	TOTAL REGISTRATION	YES	NO	YES	NO	YES	NO
1	21	346	367	39.76	923	238	107	209	129	186	148
2	24	390	414	33.25	1245	196	192	174	196	172	199
3	29	480	509	40.85	1246	260	218	236	234	203	263
4	20	216	236	33.57	703	111	90	131	75	141	74
5	16	230	246	31.21	788	147	82	133	94	125	101
6	4	283	287	28.13	1020	199	84	195	87	185	97
7	6	354	360	35.29	1020	183	166	181	164	178	169
8	15	335	350	37.59	931	230	102	203	120	187	130
9	21	379	400	38.17	1048	278	97	260	107	240	119
10	4	179	183	22.18	825	146	29	138	35	136	35
11	3	221	224	29.36	763	187	33	181	35	176	41
12	8	200	208	21.49	968	120	79	115	81	107	90
13	9	300	309	34.41	898	205	91	193	91	184	98
14	13	363	376	42.97	875	250	110	222	127	204	142
15	16	320	336	37.13	905	184	136	166	152	162	156
16	8	254	262	33.63	779	207	45	200	47	196	49
17		100				57	42	56	43	54	44
18		106				59	46	56	49	53	51
	217	5,056	5,067	33.85	14,937	3,257	1,749	3,049	1,866	2,889	2,006
						YES	NO	YES	NO	YES	NO
						CONRAD		DROPIEWSKI		WATT	

CITY OF BIRMINGHAM
MICHIGAN

COMMISSION PROCEEDINGS

MAY 8, 1978

Minutes of a Regular Meeting of the Birmingham City Commission held Monday, May 8, 1978, at 8:00 P.M., in the Commission Room in the Municipal Building.

Present: Mayor Kelly, Commissioners Conrad, Dropiewski, Jackson, Kain, Watt and York

Absent: None

Administration:

City Manager - R. S. Kenning
City Clerk - Phyllis Armour
Operations Auditor & Coordinator - James Rosen
Legal Advisor - Stephen Hopkins
City Treasurer - Robert Szerbiak
City Engineer - William Killeen
City Planner - Bonnie Brodie
Director of Finance - James Purkiss, Jr.
Acting Chief of Police - Edward Ostin
Assistant Chief of Police - Gary Whitener
Grant Funds Administrator - Kelly Sweeney
Director of Personnel - Robert Kendall
City Assessor - Clark Hagstrom
Superintendent of DPW - Chester Hunter
Building Official - Robert Rasmussen
Superintendent of Parks & Recreation - D. Middlewood

8:01

580-78: APPROVAL OF MINUTES - MAY 1, 1978 -
AS CORRECTED

MOTION: Motion by Commissioner Watt, supported by Commissioner Dropiewski:
To approve the Minutes of the City Commission Meeting, held May 1, 1978, with the following correction:

COMMISSIONER CONRAD:

✓ Page 11, Item 570-78, Line 3 - Change "submitted" to "resubmitted".

VOTE: Yeas, 7 Nays, None

8:02

581-78: MARTHA WALKER -- REQUEST WAIVER RE: UTILITIES
IMPACT STATEMENT - 540-44 TOWNSEND

MOTION: Motion by Commissioner Jackson, supported by Commissioner Dropiewski:
To receive communication, dated May 4, 1978, from Martha Walker; to grant request contained therein that the Utilities Impact Statement for property located at 540-44 Townsend be waived.

VOTE: Yeas, 7 Nays, None

8:03

582-78: COMMON GROUND - FIFTH ANNUAL GREAT BIRMINGHAM
BICYCLE CHASE - JULY 9, 1978

MOTION: Motion by Commissioner Dropiewski, supported by Commissioner Jackson:
To receive communication, dated May 1, 1978, from Andy Blinder, Alternatives Coordinator, Common Ground; to grant permission to Common Ground to hold the Fifth Annual Great Birmingham Bicycle Chase in the City of Birmingham on July 9, 1978, on the following route: Starting on Maple at Henrietta, heading west, turning south onto Bates, then left on to Townsend, north of Pierce, east on Merrill to Woodward, Woodward back to Maple; to waive vendor fees; to close Henrietta from Maple to the alley; to grant use of the kiosk for electricity; that all details be worked out with the Administration regarding the safety of the course.

Ronald Vermeulen, 860 Rivenoak, suggested that Common Ground make a request to the neighborhood associations for help in monitoring the route of the bicycle chase to eliminate the situation of last year when some bystanders threw tacks in the streets.

VOTE: Yeas, 7 Nays, None

8:06

583-78: BOARD OF COUNTY ROAD COMMISSIONERS - PUBLIC
HEARING RE: BIG BEAVER ROAD RECONSTRUCTION

MOTION: Motion by Commissioner Watt, supported by Commissioner Kain:
To receive communication, dated May 3, 1978, from the Board of County Road Commissioners advising that a public hearing will be held on May 17, 1978, 7:30 P.M., City Hall, City of Troy; to direct that a member of the Administration attend the public hearing and that the Chairman of the Traffic and Safety Board be notified so that he may arrange to have a board member in attendance.

VOTE: Yeas, 7 Nays, None

8:10

584-78: BIRMINGHAM COMMUNITY BAND -
REQUEST RE: CONTRIBUTION

MOTION: Motion by Commissioner Dropiewski, supported by Commissioner Watt:
To receive communication, dated May 1, 1978, from David K. Falvay, President, Birmingham Community Band, requesting a contribution by the City in the amount of \$1,000.00 to assist in the future band development; to refer to budget study.

VOTE: Yeas, 7 Nays, None

8:11

585-78: BLOOMFIELD TOWNSHIP - NOTICE OF PUBLIC HEARING -
MAY 9, 1978

Notice of Public Hearing received from Bloomfield Township re: Lot 48, Bloomfield Estates, Section 24; said hearing to be held May 9, 1978, 8:00 P.M., at the Bloomfield Township Hall.

8:12

586-78: COMMISSION REPORTS

COMMISSIONER JACKSON:

Commissioner Jackson reported that he had received a call regarding the parking conditions at Precinct 5, located at Barnum School, and suggested that provisions be made for adequate voter parking before the August Primary. Commissioner Jackson also suggested that the voting machines be moved adjacent to Purdy Street, if possible, or closer to the parking location.

MAYOR KELLY:

Mayor Kelly remarked that the Millionaires Party on May 6, 1978 was well organized by the staff of the Ice Arena.

Mayor Kelly also reported that parking was provided behind the Municipal Building for people coming in to vote in the Special Election.

8:15

587-78: MEETING OPEN TO PUBLIC

Margaret Wiebrecht, 1714 Torry, inquired as to when the roundabout would be installed at the Sheffield/Torry/Bradford intersection.

The City Engineer advised that because the roundabout is a small project it is planned to be included with other work in order to get a better price, and will probably not be started by June.

Mayor Kelly advised Mrs. Wiebrecht that she will be notified when a starting date for the roundabout project is set.

Lola Harrison, 1124 Chapin, stated that a real estate company had put an addition on their building and dumped dirt at the end of her street. Ms. Harrison also remarked on unlicensed cars parked in yards on Chapin.

Mayor Kelly advised that the matter would be looked into.

8:19

588-78: SOUTH POPPLETON AREA TRAFFIC STUDY

Report received from the Acting Chief of Police and the City Manager re: South Poppleton Area Traffic Study, and including the following recommendations of the Traffic and Safety Board:

- 1 - A "Right Turn Only" lane established on westbound Maple just east of Hunter Boulevard.
- 2 - Oakland be closed just east of Lawndale on a temporary 90 day basis.
- 3 - A diagonal barricade be installed extending from the northwest corner of Knox and Poppleton to the southeast corner of same, on a temporary 90 day test period.
- 4 - That Madison be closed just west of Oakdale for a 90 day test period with traffic being monitored on Kennesaw, Mohegan, Oxford, Rivenoak, 60 days after closure.

MOTION: Motion by Commissioner York, supported by Commissioner Kain:

To direct the Administration to prepare a traffic control plan for the South Poppleton area that utilizes STOP signage at street intersect points.

The prime purpose of the plan is to reduce transit cut-through traffic within the perimeters of Maple Road on the south, Hunter Boulevard on the west, Rivenoak on the north and Adams on the east.

The plan should provide free access of all streets within the above perimeters for area resident drivers.

Restricted-time directional signage can also be recommended as part of the plan.

The plan should be designed to reduce transit cut-through traffic; i.e. not attempt elimination of cut-through drivers.

The plan may be sent to the Traffic and Safety Board by the Administration for review prior to it being presented to the Commission.

The Commission expects the above to be presented in full within one month from the above date, May 8, 1978.

As part of the Administration June 5th presentation two compatible contingencies should be prepared as follows:

- a - An east/west cut-through traffic control plan for Kennesaw, Mohegan and Wimbleton.
- b - A north/south traffic speed control plan for Oxford between Madison on the south and Wimbleton on the north.
- c - A lighted right-turn timed signal for westbound traffic on Maple at the Hunter intersection (similar to the signal at Maple and Adams) to increase right turn volume during peak traffic hours.

Commissioner Watt stated that she has recommended to a number of people involved in the traffic study area that Commission not take action on the Traffic and Safety Board recommendations at this time and have the subdivision residents meet to go over all the suggestions and work out solutions on a long-term basis, and, after the bridge is reconstructed, implement those solutions for a ninety-day test period; in the meantime, an interim plan could be worked out as there will be a change in traffic patterns due to the fact that the bridge will be closed; that they could come back to Commission with some interim thoughts on what could be done until the bridge is back in working order.

MOTION: Motion by Commissioner Dropiewski, supported by Commissioner Conrad:

That action on the previous Motion be postponed for three weeks.

Mayor Kelly and Commissioner Jackson expressed opposition to the blocking of streets and stated that the problem could be solved with signs.

Commissioner York stated the Traffic and Safety Board and the citizens study group had been advised that an extensive and successful program that advocates signage had been researched and developed in Highland Park and has been successful for eight years.

Commissioner Watt stated that the study group and the Traffic and Safety Board should be provided with the report on the Highland Park program and have an opportunity to study it.

Commissioner Watt expressed concern that there would not be ample police personnel to patrol the subdivisions to enforce the signs.

Gene Stevens, 516 Oakland, stated that out of 3,500 cars on Oakland in one day, 1,800 ran the stop sign at the corner of Oakland and Lawndale. Mr. Stevens urged the Commission to make a realistic decision and to consider the 1,800 cars that run the stop sign every day.

James Bergesen, 341 Wimbleton, asked that Commissioner York's motion include stop signs on Wimbleton, and stated that he would prefer stop signs to blockades.

Donald Morse, 860 Knox, stated that he was a member of the study group which represents the thoughts of people from north and south that it represents 450 man hours and over a year of meetings and considerable investment of City money, and that the results of the study deserve serious consideration. Mr. Morse further stated that they will consider anything that will stop traffic coming through the area, but that they do not feel that signage will solve the problem. Mr. Morse urged that a substitute plan be adopted by the Commission without some consideration being given to their plan.

Claude Kidd, 560 Rivenoak, stated that a more realistic study should be made of the area.

Jim Simpson, 619 Rivenoak, and Ron Vermullen, 860 Rivenoak, spoke in favor of stop signs as a solution to the traffic problem in the area.

9:04 P.M. - Commissioners Conrad, Dropiewski and Watt left the Commission Room.

Jane Fey, 947 Madison, spoke in favor of postponing action on Commissioner York's Motion.

VOTE ON MOTION TO POSTPONE ACTION ON MAIN MOTION:

Yeas, None	Nays, 4	Absent, Conrad
		Dropiewski
		Watt

Robert Appleford, 675 Poppleton, spoke in favor of including Wimbleton in Commissioner York's Motion.

Richard Sneed, 848 Madison, stated that one month would not be enough time for the three groups to get together, and that more time will be required.

Commissioner York stated that if more time is needed after one month the deadline will be extended.

VOTE:	Yeas, 4	Nays, None	Absent, Conrad
			Dropiewski
			Watt

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 80 70991

CITY OF BIRMINGHAM, MICHIGAN,

Defendant.

JUDGMENT

JUDGMENT

The court having previously entered a partial judgment on the issue of liability, and the court having afforded the parties a hearing on the issue of remedy,

NOW, THEREFORE, IT IS ORDERED AND ADJUDGED:

1) that the City of Birmingham, its Mayor, each of its Commissioners, the City Manager, all Officers and Employees of the City and all those acting in concert with them who have notice of this injunctive order are hereby permanently restrained from engaging in any conduct that interferes with Baldwin House's efforts to construct low-income family and senior citizen housing within the City of Birmingham;

2) that the City of Birmingham shall forthwith reinstate its contract with Baldwin House, dated December 6, 1976, except that such contract will be amended to provide Baldwin House with the option to purchase within two and one-half years from this date the southern portion of the Baldwin School site; the northern boundary of that parcel of land is the center line of vacated Martin Street; PROVIDED, HOWEVER, that the contract shall specify that Baldwin House may obtain upon its request an automatic extension of that contract for two, six-month periods; PROVIDED FURTHER, that Baldwin House shall obtain additional extensions by petitioning the court for an appropriate order extending the contract

beyond the expiration date of the second six-month extension;
PROVIDED FURTHER, that the contract shall specify that Baldwin House may, at its sole discretion, include some low-income family housing units as a part of any elderly housing complex constructed on the site;

3) that the City of Birmingham and all of its Officials and Employees above named shall take all reasonable affirmative steps to assist Baldwin House in its performance under the contract, including but not limited to assisting Baldwin House with applications filed by Baldwin House to obtain mortgage financing and/or grants for rent subsidies; locating appropriate sites within the City suitable for constructing low-income family housing; locating existing housing suitable for substantial rehabilitation; and granting Baldwin House's reasonable requests for zoning variances; Baldwin House shall be free to provide low-income family housing by substantial rehabilitation of existing housing and by the construction of new, single or multiple unit family housing;

4) that Baldwin House shall at all times remain free to determine, with approval of the court, the number of low-income housing units to be constructed and to determine the ratio of low-income senior citizen units to low-income family units; PROVIDED, HOWEVER, that the ratio of family to elderly housing shall be consistent with the housing needs of those living and working in

the Birmingham area, as determined by any Housing Assistance Plan (HAP) prepared or to be prepared by the City of Birmingham or by Oakland County; PROVIDED FURTHER, that such ratio shall also be consistent with criteria established by the Michigan State Housing Development Authority (MSHDA) and/or the Department of Housing and Urban Development (HUD);

5) that the City of Birmingham shall provide to residents of any housing constructed on the Baldwin School site, reasonable access to the city-owned parking lot located north of the center line of vacated Martin Street; such residents shall be permitted to use the parking lot free of charge to the extent that such use does not interfere with the parking needs of adjacent land owners;

6) that if the contract between Baldwin House and the City is due to expire and Baldwin House has not succeeded in obtaining mortgage financing for construction of low-income family and senior citizen housing and has not obtained a commitment for rent subsidies, Baldwin House shall, through counsel for plaintiff, petition the court for a hearing to determine alternative methods and sources for obtaining such mortgage financing and rent subsidies;

7) that any application filed by Baldwin House with MSHDA and HUD for mortgage financing and rental subsidies shall indicate that the application is being filed pursuant to a judgment entered by the court;

8) that the City of Birmingham shall act expeditiously upon any and all applications filed by Baldwin House for building permits, zoning variances and tax abatements in connection with Baldwin House's efforts to construct low-income family and senior citizen housing within the City of Birmingham;

9) that the City of Birmingham shall cooperate fully with any affirmative marketing campaigns undertaken by Baldwin House designed to induce blacks and members of other minority groups to apply for occupancy in the low-income housing so constructed;

10) that Baldwin House shall, through its housing consultant, file periodic reports (every 120 days) with the court and counsel detailing the progress being made in its effort to construct low-income housing in the City of Birmingham; such reports shall describe any problems and obstacles being encountered in the processing of any application filed to obtain necessary financing and/or in the construction of low-income housing;

11) that the court's jurisdiction in this matter shall be continuing to provide amendments to this Judgment as required

in order to assure that low-income family and senior citizen housing is constructed by Baldwin House in the City of Birmingham.

In all other respects this Judgment shall be final.

Dated at Detroit, Michigan, this 27th day of May 1982.

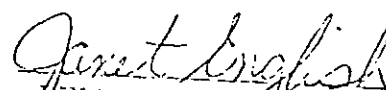

Robert E. DeMascio
United States District Judge

FURTHER TO FIVE (5), ETC. R. CIV. P.
COPIES HAVE BEEN MAILED TO THE FOLLOWING:

Leonard Gilman, U.S. Attorney

William M. Saxton, Esq.

ON May 27, 19 82


DEPUTY COURT CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 80 70991

CITY OF BIRMINGHAM, MICHIGAN,

Defendant.

MEMORANDUM OPINION

(FINDINGS OF FACT
CONCLUSIONS OF LAW)

MEMORANDUM OPINION

The Department of Justice filed this suit alleging that the City of Birmingham engaged in a policy and practice that prevented Baldwin House Corporation (Baldwin House) from developing in that City racially integrated low-income senior citizen and family housing in violation of Sections 804(a) and 817 of the Civil Rights Act of 1968 (the Fair Housing Act), 42 U.S.C. §§ 3604(a) and 3617.^{1/} The complaint alleges several separate acts of the City, which interfered with Baldwin House's negotiations for the construction of low-income family housing. The government contends that this intentional interference with the Baldwin House proposal "otherwise made unavailable" housing to black families in violation of the Act. We find that the evidence fairly preponderates in support of the government's allegations. For the reasons stated, we grant judgment in favor of the plaintiff on the issue of liability.

^{1/} 42 U.S.C. § 3604(a) makes it unlawful "to refuse to sell or rent after the making of a bonafide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex or national origin." (Emphasis added.) Any conduct or practice that prevents or limits construction of housing is included within the scope of the phrase "otherwise make unavailable or deny." Metropolitan Housing Development Corporation v. Village of Arlington Heights, 558 F.2d 1283 (7th Cir. 1977), cert. denied, 434 U.S. 1025 (1978) (Arlington Heights II).

Section 817 of the Act, 42 U.S.C. § 3617, makes it unlawful to "coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of . . . any right granted or protected" by the Act.

The City of Birmingham was aware of its acute need for senior-citizen housing as early as 1969. In the Summer of 1975, the City invited interested parties to submit a proposal for the design, construction and management of a senior-citizen housing project planned by the City on the recently acquired Baldwin School site. The City officials accepted the proposal submitted by Baldwin House, a non-profit corporation formed by members of five different Birmingham churches. The Baldwin House proposal provided for construction of 156 units (later reduced to 152) of senior-citizen housing to be financed by the Michigan State Housing Development Authority (MSHDA). Baldwin House further planned to apply for tenant rent subsidies under HUD's Section 8 New Housing Program.

On December 6, 1976, Birmingham entered into an agreement for the sale to Baldwin House of the former Baldwin School site.^{2/} Paragraph I(G) of the agreement provided:

The City acknowledges that federal and state policy requires that non-elderly government assisted housing as well as assisted elderly housing be provided in each housing market area. Therefore, the City agrees it will consider such existing, rehabilitated and/or new housing as the Michigan State Housing Development Authority and/or U.S. Department

2/

The sale of the Baldwin School site required voter approval. A referendum seeking voter approval was scheduled for April 5, 1976. The proposition submitted to the voters specified that the school site would be used for senior-citizen housing. The sale was overwhelmingly approved by the voters.

Housing and Urban Development shall reasonably require as a condition of providing financing and assistance to the Baldwin House project.

The agreement gave Baldwin House one year to obtain MSHDA financing. Thus, prior to signing the agreement, the City Commission knew that MSHDA would require some "family housing" as a condition for financing the construction of senior-citizen housing. City officials also knew that MSHDA would probably require some new construction of family housing.

On February 25, 1977, Baldwin House submitted its first request to MSHDA for financing the construction of family housing (50 units on one site with a possible additional 10 units on a second site). In March 1977, less than 90 days after the City signed its agreement with Baldwin House, MSHDA officials informed Mr. Watchowski, the City Grant Administrator, that, as part of its newly announced balanced housing policy, MSHDA would require one unit of low-income family housing for every two units of senior-citizen housing as a condition for financing construction of senior-citizen housing. The MSHDA made it clear that this 2-for-1 ratio merely added a numerical goal to its balanced housing policy and was negotiable. Prior to March 1977, MSHDA's balanced housing policy had never been spelled out formally in any written document. As a matter of fact, there is evidence that MSHDA had not applied its balanced housing policy uniformly throughout the state. Moreover, in March 1977, it was not clear that MSHDA would insist on new construction of low-income family housing as part of its balanced housing policy

This 2-for-1 ratio was discussed at an April 1977 Commission meeting. Mayor Dorothy Conrad suggested that the Commission inform the public of MSHDA's recently announced policy.^{3/} A public hearing was scheduled for May 12, 1977. On this date, the Commission began to actively participate in all of the negotiations between Baldwin House and MSHDA. The Commission consistently sought to avoid any requirement for new construction of low-cost family housing. On May 12, 1977, the Commission passed a resolution directing Baldwin House to explore the possibility of meeting MSHDA's balanced housing policy through the acquisition and rehabilitation of existing homes.^{4/} And later, at its May 31, 1977 meeting, the Commission directed Baldwin House to submit a proposal agreeing to meet MSHDA's family housing requirement by the purchase and rehabilitation of 14 existing homes. The Commission believed that these 14 homes, when added to the 25 units of approved Section 8 Existing Housing and the 11 HUD Section 312 rehabilitation loans taken out by City residents, should give the City credit for 50 units of family housing. The MSHDA replied to this proposal on

^{3/} Prior to April 1977, the City Commission did not publicize any of Baldwin House's proposals to meet MSHDA's balanced housing requirement.

^{4/} To assist Baldwin House in putting this proposal together, Mr. Watchowski provided Baldwin House with an inventory, prepared by the City, of Birmingham houses in need of rehabilitation. In August 1977, Baldwin House engaged Winona Stout, a real estate broker, to inspect City housing. She discovered 20 to 30 houses worth less than \$35,000 in need of rehabilitation. A majority of that number was for sale.

June 24, 1977, and reminded Baldwin House that its 2-for-1 policy required 75 (not 50) units of family housing. The MSHDA further stated that it would credit Baldwin House with the 25 units of Section 8 housing, but refused to credit the City's participation in the Section 312 program. However, MSHDA did promise to consider a program of substantial rehabilitation as one method of meeting its balanced housing requirement.

Thus, it is clear that the City did interfere with Baldwin House's negotiations with MSHDA and it is equally clear that the City continued to dictate the terms of proposals Baldwin House could submit to MSHDA after May 31, 1977.^{5/} On July 18, 1977, the Commission directed Baldwin House to submit a proposal agreeing to supply "50 single-family, scattered site rental units" to meet MSHDA's balanced housing requirement. The MSHDA responded with a promise to review this proposal provided Baldwin House and the City would be willing to construct 25 new family housing units. On August 15, 1977 Baldwin House submitted a proposal for "50 single-family, scattered site rental units," and acknowledged that the program might require some new construction and that "25 might be a goal" for new construction.

On September 1, 1977, MSHDA informed Baldwin House that it had accepted Baldwin House's proposal for processing, and requested additional information. Generally, the acceptance of a proposal for

5/ Baldwin House, a group of private citizens, did not need extensive assistance from the City to construct either senior citizen or family housing. Baldwin House only required the City to sell it the Baldwin School site and to grant a tax abatement for the site. The tax abatement was a minor concession. The school site had not been on the tax rolls for many years. Baldwin House had agreed to make an annual payment to the City in lieu of taxes.

processing reflects MSHDA's belief that the proposal has a reasonable chance of completion. On September 14, 1977, Baldwin House provided MSHDA with the information it requested, including a copy of an unexecuted purchase agreement for a multiple-unit family housing site on Lincoln Street. Baldwin House also submitted a revised development proposal designed to meet the balanced housing requirement. It was apparent to all that MSHDA was seriously considering the Baldwin House proposal. On October 25, 1977, a MSHDA Development Fund Loan Report recommended approval of an \$83,000 development loan for Baldwin House to cover initial expenses, including the right to acquire options for family-housing sites. Approval of such a loan assures an applicant that the MSHDA Board has a "reasonable anticipation" that a mortgage loan commitment will materialize. The October 1977 report contains several proposals for meeting MSHDA's family-housing requirement, including a proposal that the City favored: the rehabilitation of 50 existing homes. The final decision on the number of new and rehabilitated units would have been made prior to or at the final closing on the mortgage.

Soon after the public had been advised that Baldwin House intended to construct low-income family housing, opposition began to surface. Much of the opposition to the proposal centered on fears that family housing might introduce "harmful elements" into Birmingham. At its May 31, 1977 meeting, the Commission considered a suggestion to earmark 80% of the senior-citizen units for

Birmingham residents. Commissioner Robert Kelly, the only Commissioner openly opposed to Baldwin House, stated in opposition to the 80% suggestion, "The dilution factor in the Tri-County area is 15% minority groups, you want to do more than the average dilution factor; I couldn't support that." At a Commission meeting in July 1977, Commissioner Kelly said:

The record will show that these people in coming out here -- the history of HUD and these people is to destroy. Any place they have been involved before, go to Detroit, go to any of the cities and see what they have done. In my opinion, they have destroyed. Why don't they take the money back there and build rather than move into another area and take 75 units, houses, private homes off the market and was not presented to the people of this community.

We find that when he spoke of "these people" Commissioner Kelly was referring to black people. We further find that Mr. Kelly was equating non-Birmingham residents with minorities and that his objection to the 80% suggestion was based on his opposition to increasing the number of black people living in Birmingham.

On October 31, 1977, the City Commission discussed the renewal of the Baldwin House contract and tentatively agreed to a nine-month extension. One week later, November 7, 1977, a group of 75 to 100 Birmingham residents led by Nancy Elby attended the Commission meeting. Part of the group became hostile and repeatedly interrupted Commissioners who tried to speak. They expressed their strong opposition to the construction of any family housing in

Birmingham. They stated their concern about "those people" coming to Birmingham. They contended that construction of family housing would harm the City's neighborhoods and reduce property values. We find that when the group led by Nancy Elby referred to "those people," they were referring to black people. There is no doubt that the Commissioners present at the November 7 meeting knew that the opposition to construction of family housing was based in part on race.

Residents who opposed the Baldwin House proposal attended every Commission meeting between November 1977 and April 1978. At the November 28, 1977 Commission meeting, Nancy Elby presented a petition, signed by a number of Birmingham residents. The group insisted that plans to build family housing be discarded and that the City conduct an advisory referendum on the Baldwin House proposal. The group also insisted that the Commission defer further consideration of the tentative agreement to extend the Baldwin House contract until after the referendum. The group stated several reasons for its opposition. The most often-mentioned reason was the fear that construction of low-income housing might lower property values. Others voiced resentment over the intrusion into local affairs by state and federal governments. At trial, although she declined to speculate on their motivation, Commissioner Ann Dropiewski did believe that some of the concerns expressed "could well be interpreted by many to include that of racial discrimination." She testified that

after the meeting, she asked Nancy Elby to be "careful" with the issue of low-income housing because she believed others could conclude that Ms. Elby was motivated by a desire to exclude black people from Birmingham.

Although the majority of the Commissioners continued to wistfully support the Baldwin House proposal, Commissioner Kelly remained adamantly opposed. On November 7, 1977, the Commission took action that supported opponents of the Baldwin House proposal. For example, they agreed to defer a final vote on extending the Baldwin House contract. In addition, they added several amendments to the proposed contract that made it impossible for Baldwin House to continue its negotiations with MSHDA. One amendment prohibited Baldwin House from acquiring possible sites for family housing until MSHDA gave its final approval for senior-citizen housing. A second amendment provided that the contract would terminate should MSHDA^{6/} require Baldwin House to construct any multi-unit family housing. At its November 28 meeting, the Commission amended the Baldwin

^{6/} By November, the Commission believed that the City's opposition had so crystalized, Mayor Conrad met with MSHDA and HUD officials in an attempt to eliminate the family housing requirement from the Baldwin House proposal. She told MSHDA that the requirement was jeopardizing the entire senior-citizen housing proposal and that opposition "is organizing all over town and fear is what is being stressed."

House contract and then voted to extend it for merely 60 days.^{7/} Although six of the Commissioners supported Baldwin House and none of the six acted out of a desire to discriminate against black people, they knew that the 60-day extension and the amendments would preclude Baldwin House from negotiating successfully with MSHDA. ✓

On February 21, 1978, the Commission agreed to an advisory referendum for the upcoming election on April 3, 1978. April 3, 1978 was a regularly scheduled election day at which three of the seven Commissioners -- Ring, Staples, and Underwood -- had to run for re-election. They were challenged in the election by Gary Kain, William York and George B. Jackson, admitted opponents of the Baldwin House proposal. Some of the speeches made during the campaign were direct appeals to racial prejudices. Mr. York advised the audience attending the League of Women Voters candidates' night meeting that the housing proposed by Baldwin House would create an economic and social mix that was "biologically wrong." Campaign literature distributed prior to the election carried the same racial theme. One flyer entitled "Vote No -- No" prepared by "Birmingham Neighbors" and reprinted in the Birmingham Patriot, urged a vote against the Baldwin House proposal because "MSHDA/HUD would fill our senior complex with non-residents," and noted that first

^{7/}The contract extension signed the following day included a new paragraph H which provided: "Baldwin House shall not take any steps toward acquiring any interest in or providing any type of housing other than senior-citizen housing."

priority for the senior and family housing would be given to "16% minorities, potentially outside of Birmingham (in senior complex and in HUD houses equal 32 units)." The flyer then endorsed the candidacy of Messrs. York, Jackson and Kain. This flyer was discussed openly at one of the Commission meetings. The Commissioners acknowledged its racial overtones. After reading the flyer, Mayor Conrad attempted to stop further distribution in Birmingham. We find that the flyer urged rejection of the Baldwin House proposal at least in part because the proposal would increase the number of blacks living in Birmingham.

A second flyer entitled "Fact Sheet -- Senior-Citizen Housing" distributed by Nancy Elby's group, described MSHDA and HUD as agencies designed "to effect social change" and also stated "as HUD/MSHDA disclose other guidelines or quotas required for eligibility for occupancy, the true priorities will become evident, perhaps to the disadvantage of long-time Birmingham residents^{8/}." In addition to reading the flyers being distributed, the Commissioners heard the views of a number of Birmingham residents at meetings, in correspondence and in private conversations. A February 4, 1978 letter to Mayor Conrad spoke in opposition to Baldwin House and referred to restrictions that have been placed on subsidized housing. These restrictions had to do with dwellings "being reserved for blacks when there was not a black child in the school

8/

At the November 28, 1977 Commission meeting, the "Committee To Put The Issue On The Ballot" read parts of this flyer in opposition to the Baldwin House proposal.

system." Another letter opposing the Baldwin House proposal suggested avoiding any "requirement that the City artificially alter the population makeup of the community so as to provide a diverse population pool." Still another letter characterized the attempt to construct low-income housing as "socialism." And in another letter, William Rodgers, a member of the "Alternative Financing Committee" said that he was opposed to "affirmative action" and he believed that "compulsory integration" was just as wrong as "compulsory segregation." We find that these letters and others urged the Commissioners to oppose the Baldwin House proposal at least in part because they did not want black people moving into subsidized housing in Birmingham.

The Baldwin House proposal and three incumbent Commissioners were defeated at the April 3, 1978 election. Messrs. York, Jackson and Kain, the opposition candidates, were elected. After the April election, Mayor Conrad publicly stated that those opposing the ballot question had played on the racial fears of the electorate and that the vote against Baldwin House was, at least in part, racially motivated. The City's interference with the Baldwin House proposal culminated when on May 8, 1978, Commissioners Conrad, Dropiewski and Watt, the three remaining Commissioners who supported the Baldwin House proposal, were recalled from office. The three Commissioners elected on April 3, 1978 together with Commissioner Kelly appointed their replacements. This newly composed Commission never took any action to repair the damage its practices

and policies had done to the negotiations between MSHDA and Baldwin House. Even though the new Commission was aware that Baldwin House wanted its contract extended at least until September 1978, it took no action. It would have served no purpose for Baldwin House to again request an extension; it knew it had no support on the new Commission. A city that had actively interfered with the Baldwin House/MSHDA negotiations could now preclude construction of racially integrated family housing in Birmingham by simply doing nothing.

We conclude that the City's interference with the Baldwin House plan to construct low-income family housing was, in part, racially motivated. Among the facts that lead us to this conclusion are the views expressed by a significant number of opponents of Baldwin House (uttered both on the public record and within the hearing of those who testified at trial); a Commission that knowingly pursued policies that appeased those who expressed these bigoted views; the opinion testimony of supporters of Baldwin House describing the motivation of their opposition; the unusual sequence of events leading to the contract amendments and the Commission's decision not to extend its contract with Baldwin House; the decision to conduct an advisory referendum on the Baldwin House proposal; the extreme hostility and persistence displayed by opponents of Baldwin House in their efforts to defeat its proposal; the defeat of three commissioners at the April 3, 1978 election and the subsequent recall of the remaining three commissioners who favored the Baldwin House proposal; and the fact that Birmingham was and still is a virtually all-white community despite its longstanding open-housing ordinance.

The evidence establishes that Baldwin House was attempting to comply with MSHDA's 2-for-1 policy. Its application was being processed by MSHDA without encountering too much difficulty until the City became actively involved in the negotiations for low-income family housing. Prior to November 1977, the majority of the Commission supported the family housing requirement in order to obtain MSHDA financing. The City's interference in Baldwin House's affairs was limited to dictating the type of family housing to be provided. The Commission made it known that it preferred to rehabilitate existing houses to comply with MSHDA's family-housing requirement. In the beginning that interference was not based on racial considerations. However, in November 1977, and thereafter, the City knowingly took steps that would ultimately defeat the Baldwin House proposal. These steps included limiting the extension of the Baldwin House contract; prohibiting Baldwin House from acquiring family-housing sites; and, finally, refusing to extend the Baldwin House contract beyond May 1978. One effect of terminating the Baldwin House contract was to keep Birmingham a virtually all-white city. Had Baldwin House been permitted to build low-income housing in Birmingham, approximately 16% of all tenants would have been black, and the City's minority population would have more than doubled. This discriminatory effect was foreseeable when the City terminated

the Baldwin House contract.^{9/} After November 1977, every action the Commission took appeased the vocal opponents of the Baldwin House proposal, many of whom were motivated by a desire to exclude black people from the City and to maintain the City's virtually all-white character. The Commission knew that racial considerations were a motivating factor influencing many of those who opposed Baldwin House's proposal to build family housing. It nevertheless bowed to their wishes. We conclude, therefore, that the City is chargeable with racially discriminatory intent for the actions it took in November 1977 and thereafter to obstruct the construction of family housing.

When the Commission voted to subject the Baldwin House proposal to an advisory referendum, it did so for the sole purpose of appeasing racially motivated opponents of the proposal. This was a unique procedure in Birmingham. There had never been an advisory referendum before. The Commission knew that many of the Baldwin House opponents who were clamoring for a vote on the proposal were motivated in part by a desire to exclude black people from Birmingham. The members of the Commission received, read and discussed copies of flyers

^{9/} Prior to trial, the government argued that it need only prove that the City's actions had a proscribed discriminatory effect. See, e.g., Arlington Heights Housing Development Corporation v. Village of Arlington Heights, 558 F.2d 1283 (7th Cir. 1977), cert. denied, 434 U.S. 1025 (1978) (Arlington Heights II). However, following trial, the government abandoned its efforts to impose liability on the basis of discriminatory effects alone and sought to establish that defendant actually intended to discriminate on a proscribed basis. Proof of foreseeable consequences is some evidence of a racially discriminatory purpose. Columbus Board of Education v. Penick, 443 U.S. at 465.

circulated in the City as well as communications from numerous citizens addressed to various commissioners. Therefore, they had knowledge of the community sentiments with respect to the Baldwin House proposal. We conclude that the City's decision to place the referendum on the ballot was motivated by a racially discriminatory intent.

We recognize that determining whether a racially discriminatory animus was a motivating factor behind the City's conduct "demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available." However, to establish the requisite intent, a plaintiff need not show that a discriminatory purpose was the sole motivation of the defendant's conduct. Rather, the discriminatory purpose need only be a motivating factor. Village of Arlington Heights v. Metropolitan Housing Development Authority, 429 U.S. 252, 265-266 (1977) (Arlington Heights I); United States v. City of Parma, Ohio, 661 F.2d 562, 572 (6th Cir. 1981). Rarely can it be said that a governmental decision-making body operating under a broad mandate made a decision motivated by a single concern, or even that a particular concern was the "dominant" or "primary" one. In fact, it is because governmental decision-making bodies are properly concerned with balancing numerous competing considerations that courts are loathe to review the merits of their decisions, absent a showing of arbitrariness or irrationality. But racial discrimination is not just another competing consideration. When there is proof that a discriminatory purpose has been a motivating factor in a decision,

this judicial deference is no longer justified. Arlington Heights I, supra, at 265-266. Courts will consider evidence that a decision-making body took certain actions knowing it would have a discriminatory effect. This is some evidence, which when considered with other relevant evidence, may well establish that the decision-making body intended to cause that effect. Columbus Board of Education v. Penick, 443 U.S. 449, 464-65 (1979); Dayton Board of Education v. Brinkman, 443 U.S. 526, 536 n.9 (1979).

We agree that a finding of discriminatory intent may not be based solely upon the bigoted comments of a few citizens. A city cannot be found to have intended to discriminate unless it can be shown that racial considerations were a motivating factor among a significant percentage of those who were responsible for the city's conduct. Arlington Heights II, supra at 1292. The government need not prove that the Commission itself intended to discriminate on the basis of race in order to establish that the City acted with a racially discriminatory intent. In order to demonstrate a city's racially discriminatory intent, it is sufficient to show that the decision-making body acted for the sole purpose of effectuating the desires of private citizens, that racial considerations were a motivating factor behind those desires, and that members of the decision-making body were aware of the motivations of the private citizen. United States v. City of Blackjack, Missouri, 508 F.2d 1179, 1185 n.3 (8th Cir. 1974). Any other rule of law would permit a legislative body to place its official stamp of approval on private racial discrimination. The Supreme Court has consistently

struck down any such state action. Reitman v. Mulkey, 387 U.S. 369 (1967); Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961); Shelley v. Kramer, 334 U.S. 1 (1947).

The defendant argues that courts may not examine the motivation of voters in a referendum. We disagree. It is true that our power to require a voter to explain how and why he/she voted is extremely limited. See Arlington Heights, I, *supra*, at 268. It is also true that a court may not enjoin a city from conducting a referendum simply because the referendum might provide the city with a vehicle to carry out racial discrimination. This is so because referenda are a legitimate part of the democratic process. James v. Valtierra, 402 U.S. 137 (1971); Ranjel v. The City of Lansing, 417 F.2d 321 (6th Cir. 1969), *cert. denied*, 397 U.S. 980 (1970). But when the referendum has been conducted, we may examine the motivation of the electorate in order to determine whether a city has acted out of racially discriminatory motives. *Id.* at 325. When it adopted the Fair Housing Act, Congress clearly intended to subject the conduct of the people acting directly by way of referendum to the same scrutiny that courts apply to the acts of governmental decision-making bodies. We do not believe that Congress intended to permit cities to practice racial discrimination with impunity by the simple expedient of adopting all discriminatory policies by popular vote. The Supreme Court tacitly approved judicial scrutiny of the motivation of an electorate in Hunter v. Erickson, 393 U.S. 385, 392 (1969) stating:

[I]nsisting that a state may distribute legislative power as it desires and that the people may retain for themselves the power

over certain subjects may generally be true, but these principles furnish no justification for a legislative structure which otherwise would violate the fourteenth amendments. Nor does the implementation of this change through popular referendum immunize it. Lucas v. Colorado General Assembly, 337 U.S. 713, 736-37 (1964). The sovereignty of the people is itself subject to those constitutional limitations which have been duly adopted and remain unrepealed.

But see Kirksey v. The City of Jackson, Mississippi, 663 F.2d 659 (5th Cir. 1981). In any event, the April 1978 referendum was advisory and not binding on the Commission. Thus, by examining the motivation of those who voted in an advisory referendum, we are not scrutinizing the conduct of people acting in a legislative capacity. Rather, we examine the motivation of those who voted against the Baldwin House proposal simply to gather additional information concerning the basis of opposition to the proposal.

Following the referendum, the Commission failed to extend its contract with Baldwin House, despite a longstanding request from Baldwin House that it do so. By April 1978, four members of the Commission were openly opposed to the Baldwin House proposal. Racial concerns were a motivating factor behind the opposition of at least two of the four members of the majority faction. That fact alone may be sufficient to attribute a racially discriminatory intent to the City. Regardless of their personal views, all four members felt bound by the results of the April 3, 1978 referendum not to proceed with the Baldwin House proposal. They were aware that a significant number

of the opponents of Baldwin House were motivated in part by a desire to exclude black people from the City. We find, therefore, that the City is chargeable with racially discriminatory intent in its failure to carry forward with the Baldwin House proposal after April 1978.^{10/}

We agree with defendant that the Fair Housing Act does not impose any affirmative duty upon governmental bodies to plan for, promote, or construct any type of housing. Allegations that a city made plans to construct low-income housing and later abandoned those plans are insufficient to state a claim for violation of the Act or the United States Constitution. Acevedo v. Nassau County, New York, 500 F.2d 1078, 1081-82 (2d Cir. 1974). However, the circumstances under which such plans are abandoned are relevant in determining whether a city acted with racially discriminatory intent. In Acevedo, the plan to construct housing was in its very preliminary stages at the time it was abandoned. In such a case, a court should be reluctant to find that the decision to abandon was motivated by discriminatory intent because the factual record is likely to be

^{10/} The defendant relies primarily upon four cases to support its argument that it has not violated the Act: Joseph Skillken and Company v. The City of Toledo, 528 F.2d 867 (6th Cir. 1975), vacated on remand 429 U.S. 1068 (1977), reaffirmed on remand, 558 F.2d 350 (6th Cir.), cert. denied, 434 U.S. 985 (1977); Citizens Committee for Paraday Wood v. Lindsey, 507 F.2d 1065 (2d Cir. 1974), cert. denied, 421 U.S. 948 (1975); Mahaley v. Cuyahoga Metropolitan Housing Authority, 500 F.2d 1087 (6th Cir. 1974); Acevedo v. Nassau County, New York, 500 F.2d 1078 (2d Cir. 1974). None of these cases is relevant here because none involved a finding that the defendant had engaged in intentional racial discrimination. Moreover, the Sixth Circuit has recently cast doubt on the applicability of Mahaley and Skillken to suits brought under the Fair Housing Act. The court in City of Parma, supra at 574, a case brought under the Act, distinguished Mahaley by noting that it involved a suit brought under the Housing Act of 1937 and not the Fair Housing Act, and distinguished Skillken by noting that its holdings were not based upon a construction of the Fair Housing Act.

sparse. But where, as here, a plan to build low-income housing has undergone development over a number of years and is abandoned because of the unnecessary interference by the city, there will often be ample evidence allowing a court to determine whether a city acted with racially discriminatory intent.^{11/}

The City argues that it did nothing to interfere with Baldwin House's freedom to build senior-citizen housing on a properly zoned site other than the Baldwin School site or to build family housing without also building senior-citizen housing on the Baldwin School site. Even if the City's argument were factually correct, it misses the mark. We are concerned with one particular proposal put forward by Baldwin House. Although Baldwin House did not originally intend to build family housing, it later voluntarily agreed to do so in order to meet MSHDA requirements for financing. It would have complied with MSHDA's requirements, except for the City's interference. The issue for our consideration is whether the City's interference with the Baldwin House/MSHDA negotiations was racially motivated, not whether the City might have acted differently in response to some hypothetical plan by Baldwin House to build low-cost housing on other sites.

The City contends that the overriding concern among those who opposed Baldwin House was the belief that low-income housing would lower property values. The City argues that it is not a

^{11/} Our analysis takes into account the fact that Birmingham, unlike Acevedo, did not abandon its own inchoate plan to construct family housing. Rather, Birmingham was being asked to play only a peripheral role (see fn. #5, supra) in a private group's plan to construct family housing and it then took action that interfered with that plan. In such a case, we should not hesitate to examine the motivation behind that interference.

violation of the Act for citizens to oppose construction of low-cost housing based on their concern over lowered property values, Skillken, supra, at 881, and that the City has no responsibility under the Act to show that these concerns were justified. We agree with the City that whether the concerns regarding lowered property values were justified is irrelevant. The Fair Housing Act does not proscribe actions based upon undocumented fears. Rather, the Act proscribes actions taken because of the race, color, sex or national origin of persons seeking housing. We do not agree, however, that the Act protects the City's attempts to provide blanket protection to all those who based their opposition to Baldwin House on fear that property values might drop. In order to determine whether the Act has in fact been violated, we must determine the basis for the fear that construction of low-income housing might lead to a reduction of property values. No doubt some opponents of Baldwin House really believed that an influx of poor people, black or white, who might not maintain their property could cause property values in the City to decrease. A city may well be within its rights to oppose low-income housing out of a desire to exclude all poor people; neither the Fair Housing Act nor the United States Constitution so far as we know prohibits discrimination on the basis of wealth. On the other hand, it is clear that a large number of opponents of Baldwin House based their opposition on a belief that an influx of black people would cause property values to decrease, either because

they might not maintain their property or because the presence of black people would decrease the attractiveness of Birmingham to white people desiring to live in an all-white community. A city that takes steps to exclude black people violates the Fair Housing Act, regardless whether they do so out of a desire to protect property values and not out of any animus against black people generally. A person who attempts to prevent a black family from buying the house next door because the presence of a black family on the block will decrease property values violates the Fair Housing Act just as assuredly as a person who attempts to prevent a black family from buying the house next door because that person dislikes all black people. The evidence here establishes that a significant percentage of those who opposed Baldwin House out of fear that property values might decline, based their fears on the belief that an influx of black people into a community decreases property values. This is the basis of Commissioner Kelly's fears when he said "the history of HUD and these people is to destroy." In fact, Commissioner Ring testified that a majority of concerns expressed to him in private prior to the April 1978 referendum were to the effect that family housing would lead to an influx of black people into the City, and that, in turn, might lead to a reduction in property values. To the extent that the City acted as it did in response to such fears, the City violated the Fair Housing Act.

Finally, the City carefully points out that MSHDA had not agreed to issue its mortgage commitment, had not agreed that the Baldwin House proposal was even feasible for a mortgage loan, and had not agreed to accept the proposed mix of newly constructed and rehabilitated housing. From this, the City argues that even if its interference with Baldwin House's plans to construct low-income housing was motivated in part by racial considerations, the result would be the same and, in such circumstances, there is no justification for judicial interference with the challenged decision. Although it is true that as of May 1978 MSHDA still had not finally determined that the Baldwin House proposal was economically feasible, the City did not submit evidence to establish that the Baldwin House proposal was not feasible and never would have been built in any event. Nor did the City offer evidence to establish that Baldwin House and MSHDA never would have agreed on an acceptable mix of new and rehabilitated housing to make up the required 75 units of family housing. On the other hand, there is evidence that Baldwin House's housing consultant and a MSHDA staff member both preliminarily determined that the proposal was economically feasible regardless of the mix employed. Moreover, MSHDA had enough confidence in the proposal to grant Baldwin House a seed loan. In the past, in almost all cases in which MSHDA granted a seed loan, the proposed housing was actually built. We find that the preponderance of the evidence establishes that, but for the actions of the City, Baldwin House's proposal would have become a reality. Accordingly, we conclude

that, by acting to block the Baldwin House proposal, in part because of its desire to exclude black people from the City, Birmingham made housing unavailable to certain individuals on the basis of their race in violation of § 804(a) of the Fair Housing Act. We further conclude that the City interfered with the right of a group of persons to seek housing in Birmingham because of their race in violation of § 817 of the Act. Accordingly, we will enter judgment in favor of the plaintiff on the issue of liability.

IT IS SO ORDERED.



Robert E. DeMasolo
United States District Judge

Dated: May 3, 1982

PURSUANT TO RULE 70(c), FED. R. CIV. P.
COPIES HAVE BEEN MAILED TO THE FOLLOWING:

William Sadler, Esq.
Leonard Helms, U.S. Atty.

ON

May 3

, 1952

Janet English
DEPUTY CLERK

BALDWIN HOUSE

A Nonprofit Housing Corporation

1589 West Maple Road
Birmingham, Michigan 48012

Lois L. Poston, President

April 14, 1986

City Commission
City of Birmingham
151 Martin Street
Birmingham, Michigan 48009

Dear Commissioners:

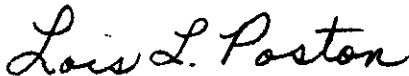
Thank you for your kind invitation to present a report of our ongoing efforts to help provide additional housing in Birmingham.

Unless you advise otherwise, we plan to present the program outlined herein to the Honorable Robert E. DeMascio to determine its compliance with the Judgment entered May 27, 1982, in the United States District Court.

We will be happy to answer any questions. As our efforts proceed, we look forward to working with the entire community in this endeavor. We welcome comments, criticism and suggestions from the Commission, from the Administration and staff, from all interested organizations and groups and from every concerned resident.

Respectfully,

BALDWIN HOUSE, INC.
A Nonprofit Housing Corporation



Lois L. Poston, President
For the Board of Directors
and the Sponsoring Churches

LLP:cm

Sponsored by
Embury United Methodist Church
First Baptist Church of Birmingham
First Presbyterian Church of Birmingham
First United Methodist Church of Birmingham

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Summary of Baldwin House Activities

October 1974 After weeks of study and discussion, churches joined to form a nonprofit housing corporation for the purpose of submitting a proposal to build senior citizen housing on the Baldwin school site. Each church agreed to provide seed money and to appoint representatives who would comprise the Board of Directors. The sponsoring churches are:

Embury United Methodist Church
First Baptist Church of Birmingham
First Presbyterian Church of Birmingham
First United Methodist Church of Birmingham

November 1975 Submitted bid proposal for senior housing to the City of Birmingham.

February 1976 Baldwin House selected by City Commission to design, build and manage senior housing on Baldwin school site.

August 1976 Submitted formal application to Michigan State Housing Development Authority (MSHDA) for mortgage financing for 152-unit housing complex for the elderly.

December 1976 Signed land purchase contract for the Baldwin school with the City of Birmingham.

March 1977 Informed by MSHDA that current City plan to meet non-elderly housing needs (25 units) not sufficient to satisfy MSHDA and HUD requirements for one non-elderly unit for each elderly unit.

November 1977 After months of work and negotiations between City, MSHDA and Baldwin House to resolve non-elderly housing issue, agreed to plan for rehabilitation of single-family residences for non-elderly occupancy.

February 1978 Received additional 90 day extension of land contract from City.

June 1978 Contract for land purchase expired, after voters advised rejection of Baldwin House proposal.

1978-82 Corporation remained in good standing and met as required by by-laws and statutes. Housing plans in abeyance.

May 1982 Designated by United States District Court to provide elderly and non-elderly housing as remedy for United States Department of Justice suit.

June 1982 Land contract with City reinstated, with supplement incorporating Judgment. Applied to HUD for Sec.202 direct loan funds and Sec.8 rent subsidy funds for 100 units of housing for elderly and handicapped.

August 1982 Invited proposals from 24 experienced developers for partnership as required by MSHDA for application for mortgage financing.

October 1982 HUD denied Sec.202/8 application.

May 1983 Signed joint venture agreement with Amurcon Corporation of Southfield.

June 1983 Jointly with Amurcon, applied to MSHDA for financing for 100 units of elderly housing with Sec.8 rent subsidy funds. Applied to HUD for Sec.202/8 funding for 100 elderly units.

August 1983 Advised by MSHDA no Sec.8 subsidy funds available for foreseeable future.

October 1983 HUD denied Sec.202/8 application. Proposal found approvable but limited funds went to other applicants.

April 1984 Applied to MSHDA for mortgage financing and State 80/20 rent subsidy funds for 100 elderly units. Applied to HUD for Sec.202/8 funding for 100 elderly units.

June 1984 Advised by MSHDA that 30 non-elderly units were recommended along with 100 elderly units, all to be located on the Baldwin school site.

July 1984 Declined to amend MSHDA application at this time. Application taken out of active consideration by MSHDA.

October 1984 HUD denied Sec.202/8 application for third year. Proposal found approvable but limited funds went to other applicants.

October 1984 In consultation with sponsoring churches, Board of Directors reviewed situation in light of United States Supreme Court refusal to consider City appeal from District Court decision. Made progress report to City Commission.

November 1984	Advised by MSHDA that various factors precluded MSHDA participation at that time.
December 1984	Entered into Agreement with City extending land purchase agreement until May 27, 1985.
January- May, 1985	Revised Plans taking into account comments by interested parties. Applied to HUD for Sec.202/8 financing for 100 elderly units. Entered into Agreement with City extending land purchase agreement until November 27, 1985.
June 1985	Received a proposal from North Cranbrook Associates to serve as co-venturer and to make available a private rental subsidy fund.
October 1985	HUD denied Sec.202/8 application once again. Proposal found approvable but limited funds went to applicants.
November 1985	Entered into Agreement with City extending land purchase agreement until November 27, 1986.
December 1985	Amurcon Corporation withdrew as co-venturer.
April 1986	Entered into joint venture Agreement with North Cranbrook Associates and prepared progress report for City Commission.

4-14-86

The Baldwin House Team

Resumes Attached

Baldwin House, Inc.

A Nonprofit Housing Corporation

Lois L. Poston, President

Charles H. Holtz, Vice President

Richard Ellis, Treasurer

Virginia Turner, Secretary

Co-Venturers and General Contractor

North Cranbrook Associates

26400 Lahser Road, Suite 104

Southfield, Michigan 48075

Housing Consultants

Housing & Finance Associates, Inc.

Development Process Associates, Inc.

8445 East Jefferson Avenue

Detroit, Michigan 48214

Architects and Planners

Progressive Associates, Inc.

838 West Long Lake Road

Bloomfield Hills, Michigan 48013

Legal Counsel

Kohl, Secrest, Wardle, Lynch, Clark & Hampton

30840 Northwestern Highway

Farmington Hills, Michigan 48018

BALDWIN HOUSE

A Nonprofit Housing Corporation

1589 West Maple Road
Birmingham, Michigan 48012

Lois L. Poston, President

BOARD OF DIRECTORS

Embury United Methodist Church - 644-5708
1803 East 14 Mile Road, Birmingham, MI 48008

Oakel Clark, 644-6084
911 Smith Street, Birmingham, MI 48009
Florence Cramer, 537-1536 O: 537-9408
26540 Davison, Redford, MI 48229
Richard Ellis, 549-5175 O: 751-4800
2925 West 13 Mile Road, Royal Oak, MI 48073

First Baptist Church of Birmingham - 644-0550
300 Willits, Birmingham, MI 48009

Charles Holtz, 646-9507
515 Oakland, Birmingham, MI 48008
Paul Lin, 645-2187
1599 Witherbee, Troy, MI 48084
Norma Moore, 646-4173
1620 Washington, Birmingham, MI 48009

First Presbyterian Church of Birmingham - 644-2040
1669 West Maple, Birmingham, MI 48009

Stuart Broberg, 649-3002 O: 644-2040
2120 Golfview Drive, Apt. 107, Troy, MI 48084
Lois Poston, 646-9574
288 Shirley, Birmingham, MI 48009
Virginia Turner, 646-4981
895 Harmon, Birmingham, MI 48009

First United Methodist Church of Birmingham - 646-1200
1589 West Maple Road, Birmingham, MI 48009

Francis Fisher, 646-7095
7483 Deep Run, Apt. 1011, Birmingham, MI 48010
Lloyd Heussner, 646-0381
7335 Deep Run, Apt. 522, Birmingham, MI 48010
Connie Pinis, 646-7340
600 Pierce, Birmingham, MI 48009

February 1986

Sponsored by
Embury United Methodist Church
First Baptist Church of Birmingham
First Presbyterian Church of Birmingham
First United Methodist Church of Birmingham

Housing Consultants
Development Process Associates
Suite 104 Park Plaza
Lincoln Park, Michigan 48146
(313) 381-3335



North Cranbrook Associates

26400 Lahser Rd. • Suite 104 • Southfield • Michigan • 48034

(313) 358-2323

North Cranbrook Associates, a Michigan Co-Partnership, was created by the merger of the many years of construction experience and talents, mortgage commitments and other valuable assets of Irwin Obstgarten, Emanuel Ravet, Leo P. Sklar, and Marvin Rubin.

One of the primary intents of North Cranbrook Associates, as originally established, was to develop Senior Citizen Housing and Moderate Multiple Housing Developments that could be constructed and kept as an investment portfolio.

Accordingly, mortgage commitments have been obtained from the Michigan State Housing Development Authority (MSHDA) and the United States Department of Housing and Urban Development (HUD).

The Principals of North Cranbrook Associates are involved on a full time basis creating commitments, acquiring sites, developing and directing supervisory control of all phases of the construction and management process, even though a well developed highly efficient organization exists which takes care of the day to day operations.

Each completed development has been constructed in less than the allocated time provided under the commitments and well within the budget. The results are outstanding developments that are financially secure and provide affordable housing in an atmosphere designed for the residents needs and comfort.

In addition, North Cranbrook Associates has been involved with other sponsors in helping them apply for and acquire satisfactory mortgage commitments and has been the general contractors for the construction. Wingate Management Corporation, a subsidiary of North Cranbrook Associates, is the managing agent for all the properties and acts as an advisor to the architects in the initial design.

North Cranbrook Associates is a complete real estate development team with experience and the proven ability to meet the desired goals. A meeting with the Principals would provide an opportunity to answer any questions.

Bank and trade references are available upon request.



RESUME OF IRWIN OBSTGARTEN

IRWIN OBSTGARTEN (born 1915) sold his interests in certain shoe stores to become involved in the building business in 1962. Mr. Obstgarten has been involved in the following real estate properties:

1962	Walnut Manor, Painesville, Ohio: 114 Unit, Garden Apartments.
1964	Horizen West, North Olmsted, Ohio: 285 Unit 18 story building.
1965	Americana, Euclid, Ohio: 720 Unit 17 story building.
1966	Imperial House, Euclid, Ohio: 126 Unit 8 story building.
1967	Gates Mills Towers, Mayfield Heights, Ohio: 719 Unit 12 story bldg.
1968	Richmond Park, Richmond Heights, Ohio: 728 Unit 8 story building.
1969	Watergate Tower, Euclid, Ohio: 947 Unit 20 story building.
1960	Foresthill Terrace, East Cleveland, Ohio: 420 Unit 6 story building.
1970	College Towers, Kent, Ohio: 330 Unit 8 story building.
1971	River Towers, Detroit, Michigan: 472 Unit 14 story building.
1971	Carlyle Tower, Lakewood, Ohio: 550 Unit 20 story building.
1972	Euclid Villa, Euclid, Ohio: 502 Unit 15 story building.
1973	Euclid Medical Office Building, Euclid, Ohio: 250,000 sq. ft. 10 story building
1974	Oakland Park, Troy, Michigan: 297 Unit 9-11 story building.
1974	Oxford Park, Berkley, Michigan: 214 Unit 8 story building.
1974	Gates Mills #3, Mayfield, Ohio: 360 Unit 12 story building.
1974	Madison Tower, Madison Heights, Michigan: 170 Unit 9 story building.
1975	Wayne Tower, Wayne, Michigan: 154 unit 11 story building.
1976	Garden Towers, Garden City, Michigan: 170 Unit 10 story building.
1977	Madison Towers II, Madison Heights, Michigan: 170 Unit 9 story bldg. MSHDA financed.
1978	Clark East Tower, Ypsilanti, Michigan: 200 Units 7 story building HUD financed.
1979	Hazelcrest Place, Hazel Park, Michigan: 241 Units 10 story building and town houses, MSHDA financed.
1979	Romulus Tower, Romulus, Michigan: 125 Units 7 story building MSHDA financed.
1980	Clinton Place, Mt. Clemens, Michigan: 283 Units 7 story building Garden Apartments and town houses, HUD financed.
1980	Eighteenth District Court Building, Westland, Michigan
1980	St. George Tower, Clinton Township, Michigan: 210 Units HUD financed.
1984	Ukrainian Village, Warren, Michigan: 145 Units 2 story building HUD financed.

Present Vice-President - Wingate Management Corporation



North Cranbrook Associates

26400 Lahser Rd. • Suite 104 • Southfield • Michigan • 48034

(313) 358-2323

RESUME

Leo P. Sklar

26400 Lahser Road
Suite 104
Southfield, Michigan
48034

(313) 358-2323

Graduated Wayne State University 1951.
B.S. Business Administration

Since 1965, active in Real Estate development specializing in creation of multiple housing developments and involved in the development of twelve housing projects having mortgages in excess of \$60,000,000 as of 1980.

Member of the Southfield Housing Commission.

Director of the Southfield Non-profit Housing Corporation.

Director of the Jewish Federation Apartments, Inc. and member of the JFA building committee (Oak Park, Michigan).

Partner in North Cranbrook Associates.

Qualifying Broker and Secretary of Wingate Management Corporation.

Licensed Michigan Builder.

Secretary - Wingate Management Corporation

Emanuel Ravet

26400 Lahser Road
Suite 104
Southfield, Michigan
48034

(313) 358-2323

Studied engineering and architecture at Lawrence Institute of Technology prior to military service in 1943.

From 1946 to present, Mr. Ravet has been licensed and self-employed in the building business in various capacities including: (i) acquisition of vacant land for development; (ii) building of hundreds of various types of residential living units (primarily in low rise single family town houses and garden apartments); (iii) financing and management of office buildings; (iv) commercial building on a contract basis; and (v) involvement with housing finance including both conventional and governmental underwritten mortgages.

Present

President - Wingate Management Corporation

Real Estate Developers • Builders



RESUME OF MARVIN RUBIN

MARVIN RUBIN (born 1939) in Cleveland, Ohio where he graduated from the College of Accounting.

Mr. Rubin has been involved in real estate and associated building projects for sixteen years.

He has been instrumental in the construction of the following projects:

- Highland House, Ohio
- Euclid House, Euclid, Ohio
- 1974 Madison Tower, Madison Heights, Michigan: 170 Units 9 story building
MSHDA financed.
- 1975 Wayne Tower, Wayne, Michigan: 154 Units 11 story building
MSHDA financed.
- 1976 Garden Tower, Garden City, Michigan: 170 Units 10 story building
MSHDA financed.
- 1977 Madison Tower II, Madison Heights, Michigan: 170 Units 9 story
building, MSHDA financed.
- 1978 Clark East Tower, Ypsilanti Township, Michigan: 200 Units
7 story building, HUD financed.
- 1979 Romulus Tower, Romulus, Michigan: 125 Units 7 story building
MSHDA financed.
- 1979 Hazelcrest Place, Hazel Park, Michigan: 241 Units 10 story
building, MSHDA financed.
- 1980 Clinton Place, Mt. Clemens, Michigan: 283 Units 7 story building
Garden Apartments and town houses, HUD financed.
- 1980 Eighteenth District Court Building, Westland, Michigan
- 1980 St. George Tower, Clinton Township, Michigan: 201 Units,
HUD financed.

Present Treasurer - Wingate Management Corporation



Wingate Management Corporation

26400 LAHSER ROAD, SUITE 104 • SOUTHFIELD, MICHIGAN 48034

Management Experience

Wingate Management Corporation was incorporated in 1969 for the purpose of managing multi-family housing built by its affiliate, North Cranbrook Associates. Wingate presently manages in excess of 4,000 multi-family units with an aggregate real estate value well in excess of \$100 million dollars.

The principles of the company have 75 years of combined experience in real estate management and development. The executive staff skills are supported by 38 years of experience in all facets of housing management.

Leo Sklar, Secretary - Wingate Management

In addition to being a stockholder of Wingate Management Corporation, Mr. Sklar is a licensed Michigan builder, Real Estate Broker and has been directly involved in the development of approximately 3,000 apartment units. Community involvement includes being a commissioner of the "Southfield Housing Commission" since 1976, director of the "Southfield Non-Profit Housing Corporation," and having recently served as a member of the "Southfield 2001 - Population and Housing Subcommittee."

Harvey Wolf, Director of Property Management

Mr. Wolf was the former controller and assistant Director of Management for Detroit's largest complete real estate organization. The company's portfolio consisted of conventional and subsidized housing, cooperatives, condominiums, office buildings, and shopping centers. Mr. Wolf has been involved in property management since 1970.

Stanley Tornga, Property Manager/Associate Broker

Mr. Tornga is well versed in property management as the direct result of managing several thousand units prior to joining Wingate. His responsibilities included, but

were not limited to, inspecting properties, scheduling maintenance activities, budget preparation, and assisting board members in short and long range planning of all aspects of the community.

Arline Gould, Property Manager/Administrative Assistant (Condominiums)

Ms. Gould is the coordinator of all condominium developments managed by Wingate. Her supervisory and administrative activities are to coordinate services (maintenance and operational), collect association fees, budget reviews, contractor bidding, and mediate homeowner complaints.

Dan Duff, Property Manager

Mr. Duff's experience in property management is enhanced by eleven years as Director of Construction Engineering for one of the largest firms in West Virginia.

Nora Hardin, Marketing Director

Mrs. Hardin has been a Wingate employee since its inception. Her responsibilities for the marketing of all Wingate properties include the coordination of government assistance and other rental programs. Mrs. Hardin is currently President of the Commission on Aging for the city of Westland, and has served as a board member since 1983. She is also a member of the "Michigan State Housing Development" task force. The task force was established in 1983 to review guidelines for independent living by senior citizens and training of resident apartment managers.

Rochelle Upfal, Director of Social Services

Ms. Upfal received a masters degree in Gerontology from the University of Michigan and has an extensive background in social work including health and senior services. Since joining Wingate's staff, she has concentrated on coordinating resident programs and services working closely with residents, managers, and community groups. In addition to being a member of the "Michigan State Housing Development" task force, she is a member of "Michigan Non-Profit Homes," a state

advisory group that advocates Senior Citizen Housing,
Nursing Homes, and Homes for the Aged.

Kathy Williams and Kathleen Hurley (Administrative Coordinators)

Ms. Williams and Mrs. Hurley have been part of the Wingate organization since 1981. They both have held positions as "Rental Agents" and "Resident Managers." Their knowledge of the various H.U.D. rental programs and associate degrees in Accounting qualifies them for the position as Bookkeeper/Administrative Coordinator. They regularly attend H.U.D. seminars to keep abreast of policy and procedure changes. This information is then passed on through training workshops.

David Winowiecki (Property Manager/Administrative Coordinator)

Mr. Winowiecki has been a Wingate employee since 1979. He has held positions as "General Maintenance," "Maintenance Supervisor," "Rental Agent," and "Resident Manager." His rise through the ranks has given him a broad perspective on property management. His knowledge, experience, and training ability provides unity among the Wingate properties.

Wingate's ability to foresee and respond to the needs of multi-ownership associations, investors, and developers has fostered an ever-growing relationship with our clients.

Senior Citizen Properties Currently Managed

Clark East Tower
1550 East Clark Road
Ypsilanti, Michigan 48197
Section 8

Clinton Place Apartments
147 North River Court
Mt. Clemens, Michigan 48043
Section 8, 221/D4

Deaconess Tower
16400 Dix-Toledo Highway
Southgate, Michigan 48195
Section 8, 202

St. George Tower
42250 Hayes
Mt. Clemens, Michigan 48044
Section 8, 202

Ukrainian Village
26377 Ryan Road
Warren, Michigan 48091
Section 8, 202

Wayne Tower
35200 Sims
Wayne, Michigan 48184
Section 236

Reno Building
River Rouge, Michigan
Section 8

Garden City Tower
6120 Middlebelt
Garden City, Michigan 48135
Section 8

Hazelcrest Place
100 Hazelcrest Place
Hazel Park, Michigan 48030
Section 8

Madison Tower
27777 Dequindre
Madison Heights, Michigan 48071
Section 236

Romulus Tower
36500 Bibbins
Romulus, Michigan 48174
Section 8

Solberg Activity Center
27783 Dequindre
Madison Heights, Michigan 48071

Solberg Tower
27787 Dequindre
Madison Heights, Michigan 48071
Section 8

Heritage Place Apartments
Lake Orion, Michigan
Section 8

Other Multi-Family Properties

Glenwood Orchards
37140 South Orchard
Westland, Michigan 48185

Newman Court Apartments
626 Kettering
Pontiac, Michigan 48058

The West Condominium Association
39870 Crosswinds
Novi, Michigan 48050

Crosswinds of Farmington Hills
Fourteen Mile and Haggerty Road
Farmington Hills, Michigan 48018

Maplewood I & II
1450 Chestnut Drive
Ypsilanti, Michigan 48197

Westchester Towers
35700 Michigan Avenue
Wayne, Michigan 48184

Willow Creek Apartments
1673 Fairwood
Westland, Michigan 48185

Bellbrook Congregate Housing
Rochester Hills, Michigan

Progressive Associates, Inc., Architects-Planners, maintaining a general practice of Architecture and related disciplines in Bloomfield Hills, Michigan. Originally incorporated in 1961, Progressive Associates, Inc. expanded and complemented its staff resources through the foundation of Wessel/Tosch/Erickson, Inc., Architects-Planners which is located in Jupiter, Florida.

By emphasizing creative design through a close synthesis of architectural, planning and engineering elements, we have been able to provide the varied architectural and engineering services normally required in the construction trades including:

- Feasibility Studies
- Site Planning and Development
- Site Analysis and Evaluation
- Comprehensive Architectural Design
- Construction Documents
- Construction Supervision/Administration
- Project Cost Analysis
- Interior Design and Specification

While stressing team performance for staff members, all work remains under the personal supervision of the principals from inception to completion. The firm's own personnel resources are supplemented by experienced consulting specialists in the fields of Structural, Mechanical, Electrical and Environmental Engineering, and Landscape Architecture.

All facets of Architecture, to include: Single Family Houses and related Sub-Division Planning, Planned Multi-Family Developments (low-rise), i.e. Senior Citizens Housing Programs, Rental Communities, Co-Operative Housing Projects, Condominium (for sale) Developments, and Mid-Rise Residential Developments, have been designed by Progressive Associates, Inc. to compliment our commissions in the commercial/institutional area.

During the past calendar year of 1983, the construction value of completed work exceeded \$30,000,000 which encompassed the combined efforts of both Firms.

Progressive Associates, Inc. is guided by the comprehensive approach to its commissions and the fact that this approach is the fundamental key to the proper evaluation of the needs and desires of the client, the community and the individual that will utilize the completed product.

Daniel A. Tosch, A.I.A.

NCARB Registration No. 23,340
Michigan Registration No. 18780
Florida Registration No. 8563

Donald Lee Erickson, A.I.A.

NCARB Registration No. 25,846
Michigan Registration No. 20499

Armin L. Wessel, A.I.A.

NCARB Registration No. 21,168
Florida Registration No. 8158

SENIOR CITIZENS HOUSING

The Renaissance - Richmond, Virginia	240 Units	8 story
Gabrielle I - Highland Park, Michigan	200 Units	10 story
Ferndale Turnkey - Ferndale, Michigan	50 Units	5 story
Thompson Tower - Inkster, Michigan	300 Units	10 story
Fraser Woods - Fraser, Michigan	210 Units	5 story
Gamma Apartments - Farmington Hills, Michigan	150 Units	2 story
Bethany Villa I and II - Troy, Michigan	234 Units	1 story
Caro Senior Commons - Caro, Michigan	100 Units	1 story
Waterford Meadows - Waterford, Michigan	50 Units	3 story
Silver Maple Village - Lapeer, Michigan	100 Units	3 story
Pineview Apartments - Hampton Township, Michigan	139 Units	3 story
Leisure Manor - St. Clair Shores, Michigan	120 Units	3 story
Hillcrest - Lynchburg, Virginia	105 Units	4 story
Forestbrooke - Richmond, Virginia	95 Units	3 story
Edge of the Woods - Sault Ste. Marie, Michigan	60 Units	3 story
Pinery Park - Wyoming, Michigan	105 Units	3 story
Across the Park - Detroit, Michigan	200 Units	12 story
Dauner Haus - Fenton, Michigan	100 Units	2 story
Barclay Village - Muskegon, Michigan	80 Units	2 story
California Square - Louisville, Kentucky	100 Units	7 story
Hikes Pointe Center - Jefferson Co., Kentucky	125 Units	8 story
Northwind Place - Kalamazoo, Michigan	100 Units	8 story
Devon Trace - Ferndale, Michigan	48 Units	3 story
Charnwood Forest - Richmond, Virginia	100 Units	3 story
Lawrence Park - Center Line, Michigan	128 Units	8 story
Phoenix Place - Pontiac, Michigan	200 Units	14 story

HOUSING & FINANCE ASSOCIATES, INC.

SUITE 208 RIVERSIDE BUILDING
8445 EAST JEFFERSON, DETROIT, MICHIGAN 48214

313/823-0601

Housing & Finance Associates, Inc., has owned and operated multifamily housing developments since 1970, specializing in accommodations for the elderly. The firm and associated companies provide professional management services for more than 1,000 dwelling units in Michigan and New York, most of which are occupied by retirees and handicapped persons.

The company has served as consultants to government agencies, developers, nonprofit sponsors, mortgage lenders and others. The company has extensive experience with the Michigan State Housing Development Authority, having served as developer, owner, consultant, marketing agent and/or management agent for 16 Authority-financed developments with 2,211 dwelling units. A sister firm, Development Process Associates, Inc., also provides consulting services relating to the development and operation of multifamily housing.

The principals of the companies, Wendell G. Addington and Dennis J. Varian, had extensive multifamily experience before forming their own organization. Mr. Addington for eight years was an officer of FCH Services, Inc., a subsidiary of the Foundation for Cooperative Housing. As Senior Vice President and Director of National Operations, he developed or acquired 24,659 dwelling units in complexes located in 19 states. He is a member of the National Council on Aging, the Senior Housing Institute, the National Association of Home Builders, the National Association of Housing and Redevelopment Officials and other professional organizations. He is the author of several publications, including "Mutual Ownership of Residential Cooperatives and Condominiums" published by the American Society of Appraisers. Mr. Addington has a degree in economics from the University of Texas and attended Texas Technological College and Newark College of Engineering.

Mr. Varian was founding Secretary-Treasurer of Urban Research Coordinators, Inc., Assistant Vice President of FCH Services, Inc., Executive Director of Michigan Housing Associates and Development Specialists for Multicon Properties, Inc. He has been a member of the Michigan Association of Planning Officials, the Builders Association of Southeastern Michigan, the Code Committee of the Greater Detroit Chamber of Commerce and a participant in the Institute of Real Estate Management. Mr. Varian studied economics at Detroit Institute of Technology and is an alumnus of the University of Detroit, where he majored in electrical engineering and was President of the student government.

2. Obligations Pursuant to Judgment

a. Excerpts from Judgment

1. "...the City [et.al.] are hereby permanently restrained from engaging in any conduct that interferes with Baldwin House's efforts to construct low-income family and senior citizen housing..."
2. "...Baldwin House may, at its sole discretion, include some low-income family housing units as a part of any elderly housing complex constructed on the site."
3. "...City...shall take all reasonable affirmative steps to assist Baldwin House...including but not limited to...granting Baldwin House's reasonable requests for zoning variances..."
4. "Baldwin House shall at all times remain free to determine, with the approval of the court, the number of low-income housing units to be constructed and to determine the ratio of low-income senior citizens units to low-income family units ...consistent with the housing needs of those living and working in the Birmingham area..."
5. "...City...shall provide...reasonable access to the city-owned parking lot...free of charge..."
6. "...City shall act expeditiously upon any and all applications filed by Baldwin House for building permits, zoning variances and tax abatements..."
7. "...the court's jurisdiction in this matter shall be continuing to provide amendments to the Judgment as required in order to assure that low-income family and senior citizens housing is constructed by Baldwin House in the City of Birmingham."

b. Ratio of elderly to non-elderly housing

The Judgment states that Baldwin House's determination of the ratio of elderly to family (non-elderly) housing shall be consistent with the housing needs of those living and working in the Birmingham area, as set forth in the City or County Housing Assistance Plan (HAP), and shall be consistent with the criteria established by HUD and MSHDA.

At this time there is no City HAP. The Oakland County HAP now in force sets forth a county-wide ratio of 41% elderly and 59% non-elderly. We are advised by the County Planning staff that the county-wide ratio does not necessarily apply to each municipality and that no separate ratio was determined by the County for the City of Birmingham.

We understand that at this time there is no general HUD criterion for the ratio of elderly to non-elderly housing. HUD reviews and approves the HAPs which set forth such ratios for various cities and counties.

MSHDA's former state-wide numerical goal for achieving a balanced housing policy is no longer in force. We understand that each application is considered from the standpoint of local needs. It is our understanding that 30 non-elderly units in addition to 100 elderly units would be acceptable to MSHDA and our proposal was developed on that basis.

If the County HAP, HUD, MSHDA or the Court requires a change in the proposed ratio between elderly and non-elderly units, the required change will be made in the final plan. The total number of dwelling units will not be increased above 130.

3. Feasibility Considerations

a. Sec. 202 financing

Sec.202 direct HUD loans, accompanied by Sec. 8 rental subsidies, are restricted by statute to housing occupied by the elderly and handicapped and are allocated by an annual competition. Baldwin House has been found eligible for such a loan but other localities have been determined by HUD to have greater need for the past four years. The Board does not plan a fifth application.

b. Rehabilitation of existing housing

As previously reported, rehabilitation is no longer considered by the Board to be a viable alternative to new construction. This is because of increased cost of existing properties and increased interest rates, compared to our 1977 proposal.

4. Proposal

a. Preliminary plans

We propose to construct a five-story and partly six-story masonry building containing 130 dwelling units and extensive common facilities. Preliminary plans follow.

The apartments are designed for occupancy by the elderly and handicapped. The terrace units and townhouses, which have individual entrances, are designed for occupancy by non-elderly. Each dwelling unit will have individual heating and air-conditioning equipment, carpeting, drapes, smoke detector, television hook-up, frost-free refrigerator, range/oven, dishwasher and balcony or patio. Each apartment will have inter-communication equipment, emergency call system and personal safety devices. Each terrace unit and townhouse will have an individual washer and a dryer. Seven dwelling units will be designed for wheelchair access.

The common areas serving the elderly apartments will contain two elevators, management office, maintenance facilities, entrance lobby, meeting room and lounge and other facilities.

The grounds will be intensively landscaped and will include walking, seating and recreation areas. There will be on-site parking spaces plus access to spaces in the adjoining City parking facility.

b. Anticipated pass-through Financing

Michigan Public Act 215 of 1984 established a new mortgage financing procedure called the pass-through program. Under this program, tax-exempt bonds are issued by the Michigan State Housing Development Authority (MSHDA) and the proceeds are passed through to eligible borrowers as mortgage loans. Unlike the MSHDA direct loan program, however, MSHDA acts only as the issuer of the bonds and does not exercise any regulatory functions. The bonds are not general obligations of MSHDA, are not secured by MSHDA's capital reserve account and are not moral obligations of the State of Michigan. Rather, these bonds are secured solely by the properties being financed and some form of credit enhancement provided by the borrower. MSHDA's responsibility is limited to approving the adequacy of the credit enhancement. MSHDA is specifically prohibited by the statute from regulating the operation of the property. As in other State programs, the return to the owners is limited, however.

It is anticipated that the pass-through program will be used to finance the project with credit enhancement provided by North Cranbrook Associates.

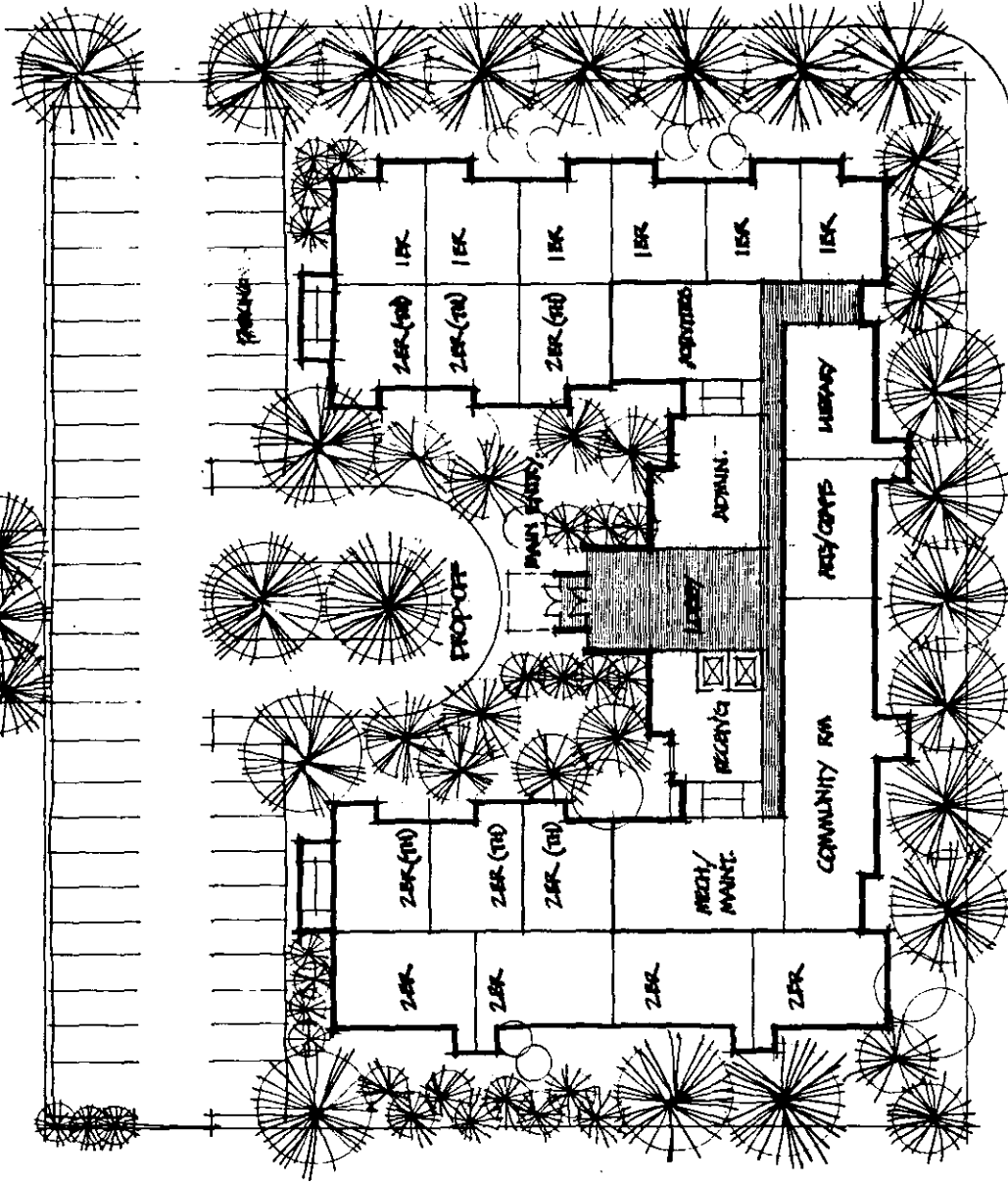
Rents cannot be determined exactly at this time, since construction costs have not been finalized and the interest rate on the mortgage loan is not yet known. However, the total rent schedule will equal the total of the mortgage loan payments, operating expenses, required reserves and escrows and the distribution to partners allowed by the statute.

c. Rental Subsidy Fund

A rental subsidy fund in the amount of \$500,000 is being made available by North Cranbrook Associates from a private source. The fund will be invested and the earnings will be used to reduce rents charged some tenants. Rent reduction will be based on relative need to the extent monies are available. Disbursements from the earnings of the fund will be monitored by an independent trustee. The fund will be available for this purpose for a period of thirty years.

In addition, Baldwin House intends to set up its own rental subsidy fund, which it is hoped will equal the amount of the other fund in due course. Tax-exempt contributions to the Baldwin House fund will be sought from the sponsoring churches, other churches, members of the professional team, foundations, area organizations, public bodies and individuals.

CITY OF BIRMINGHAM PUBLIC PARKING



BIRMINGHAM BOARD OF EDUCATION

NOTE: UNIT ACCESS AT
GRADE LEVEL FOR
ALL 'FAMILY' UNITS



CHESTER

UNIT DATA

FAMILY

12- 1BR 'TERRACE'
12- 2BR 'TERRACE'
6- 2BR 'TOWNHOUSE'

30 UNITS

ELDERLY

100 UNITS

92 ONE BR
8 TWO BR
100 UNITS

progressive
associates
INC architects

838 W. Long Lake Rd
Suite 250
Bloomfield Hills,
Michigan

APRIL 2, 1986

GRADE LEVEL PLAN

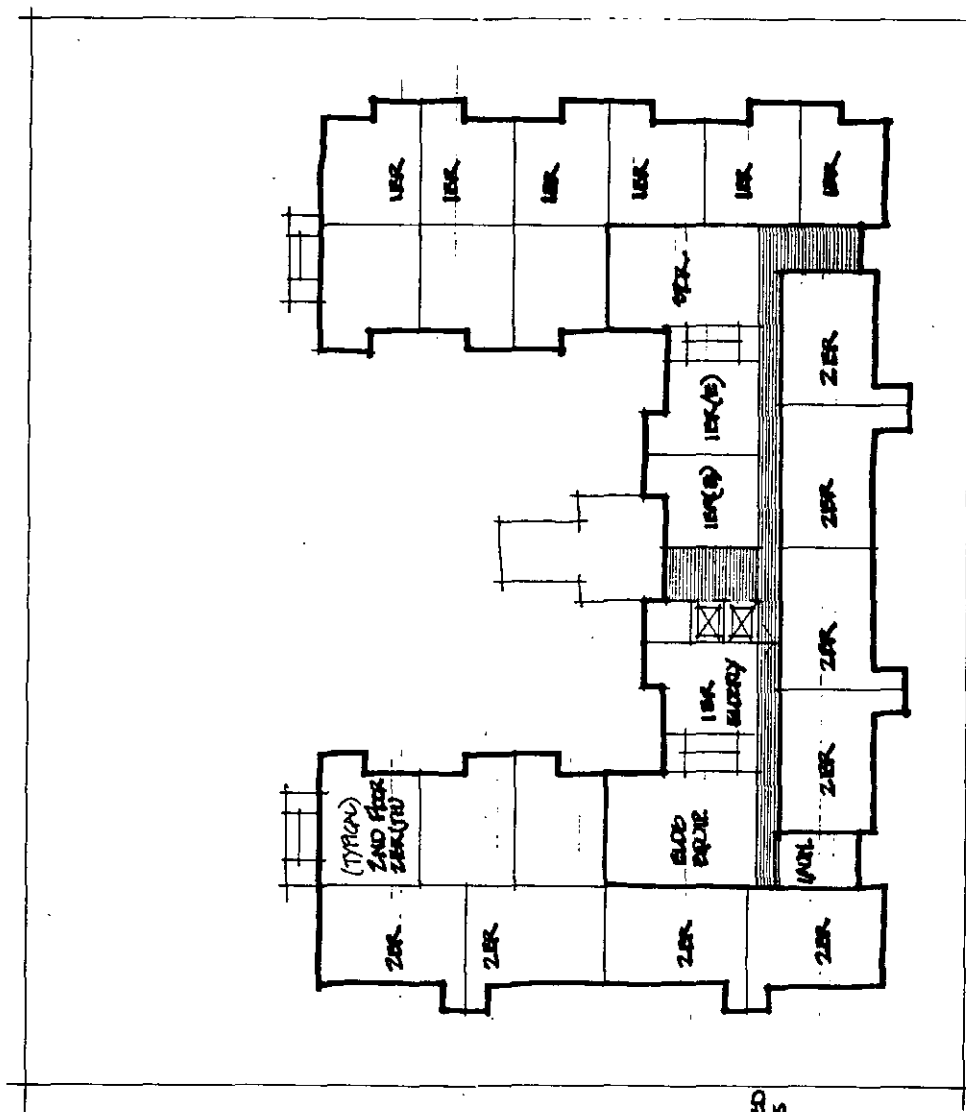
PERKINS

CONCEPTUAL PLAN for
BALDWIN HOUSE
BIRMINGHAM, MICH

2

BALDWIN HOUSE ML
BARNSTABLE

4.2.26



NOTES: ALL UNITS INDICATED
ARE FAMILY UNITS
EXCEPT AS NOTED
(12)

SECOND FLOOR PLAN



(SLING KNOTS)

25 - ONE BEDROOM UNITS

2 - TWO BEDROOM UNITS

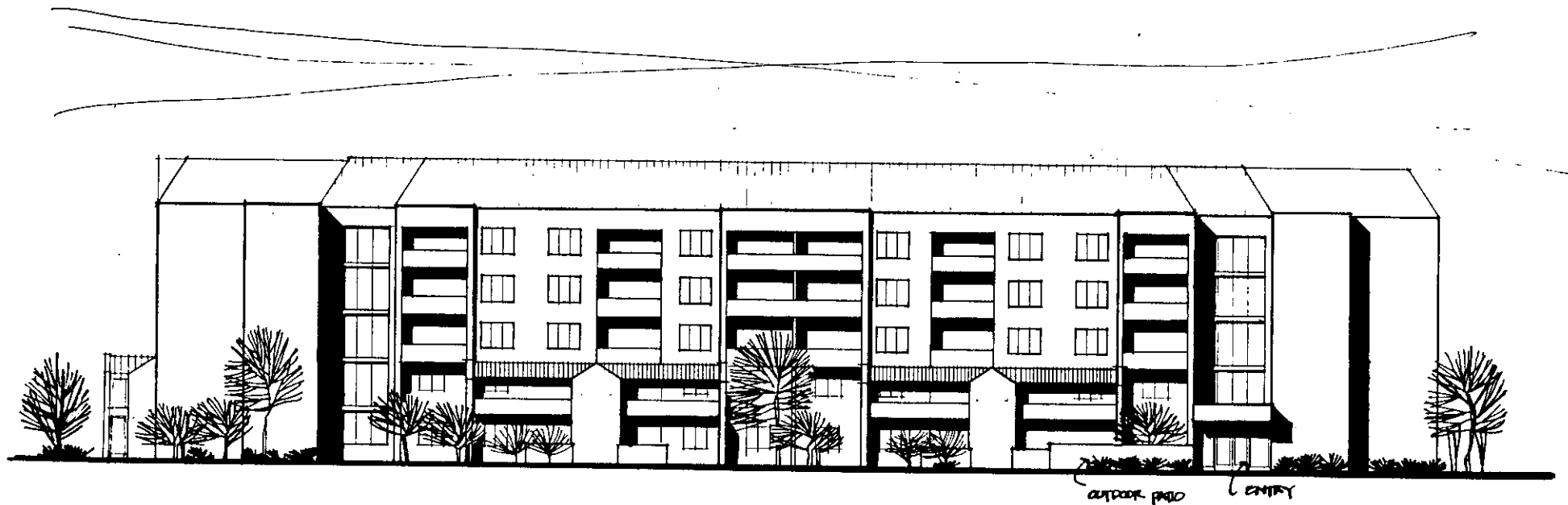
27 UNITS PER FLOOR



6TH FLOOR PLAN

14 - ONE BEDROOM	UNITS
2 - TWO BEDROOM	UNITS
16 'empty' units.	

4.9.20

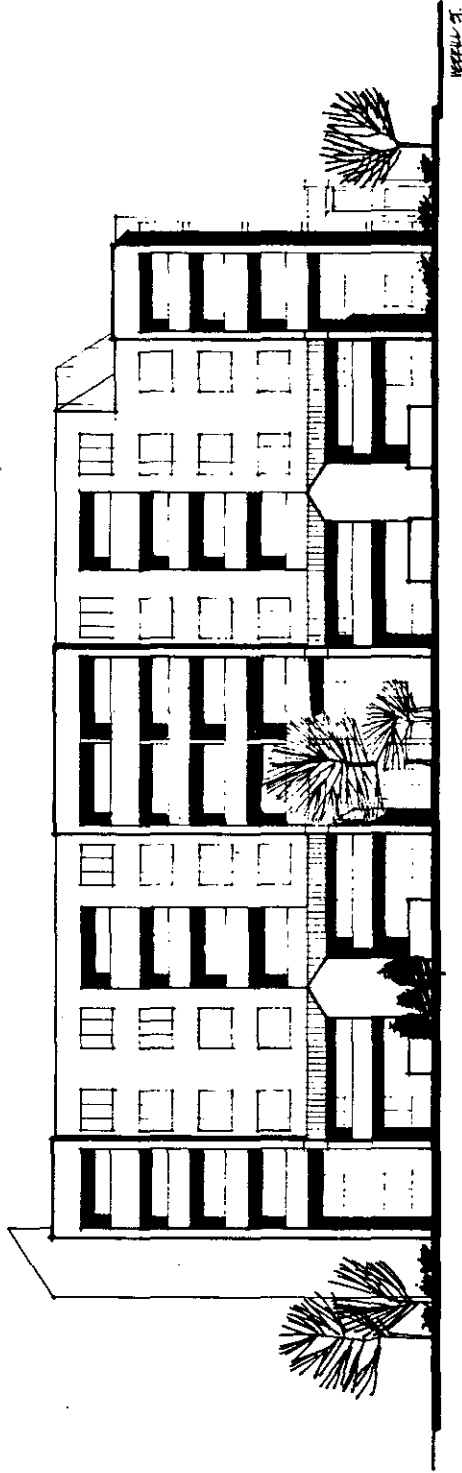


SOUTH ELEVATION • MERILL ST.

PROGRESSIVE ASSOC. INC.
ARCHITECTS..

BALDWIN HOUSE
BIRMINGHAM, MICH.

5



WEST ELEVATION

WEST ELEVATION...

66

PAULIN HOUSE
BIRMINGHAM
ALABAMA

PROGRESSIVE ASSOC. INC.
ARCHITECTS

5. Occupancy Requirements

a. Equal opportunity and affirmative action

In accordance with Federal, State and City statutes and the provisions of the Judgment, occupancy will be open to all on an equal opportunity basis. In addition, an affirmative action fair housing plan will aim at achieving minority occupancy of at least sixteen percent (16%) of the dwelling units. The plan will specifically reserve twenty-one dwelling units for occupancy by minority residents who are Black, Hispanic, Asian or American Indian. The reserved units will be withheld from the general market until the minority occupancy goal is achieved. Preference will be given, except for the twenty-one reserved units, to residents of Birmingham. In accordance with the Judgment, the City will be asked to cooperate fully with the affirmative marketing plan.

b. Income limitations

In accordance with Federal and State requirements, fifty percent of the dwelling units (65 units) may be occupied by residents without regard to income.

Fifteen percent (20 units) will be occupied by residents whose incomes are no greater than 125 percent of the metropolitan median income, without reference to the size of the household. At this time, 125 percent of median is \$40,625 per year.

Fifteen percent (19 units) will be occupied by residents whose incomes are no greater than 150 percent of the Metropolitan median income, without reference to the size of the household. At this time, 150 percent of median is \$48,750 per year.

Twenty percent of the units (26 units) must be occupied at all times by residents with incomes at or below eighty percent of the median income for that size household. At this time, these maximum annual incomes are as follows:

1 person	\$18,200
2 persons	20,800
3 persons	23,400
4 persons	26,000

6. Possible City Assistance

Because of changes in programs, increased construction costs and increased interest rates since 1978, the program proposed by Baldwin House involves higher rents for many tenants than would have been the case at that time. We are persevering because we believe that it is better to help some people than to help nobody, and it is better to help them to whatever extent is feasible than not to help at all. It is important, in our opinion, to do whatever can be done in the circumstances to reduce rents to the lowest level possible. We suggest below four ways in which the City might be of additional assistance, although none are required by the present Judgment:

- a. Site acquisition terms. The land contract calls for purchase of the site for \$250,000. The City could sell the land for less or could lease it to Baldwin House for a nominal amount. Any reduction in land cost would reduce the debt service on the mortgage loan and would reduce rents proportionately.
- b. Site improvements. The City could install all or part of the site improvements such as utility lines, walks, parking and landscaping.
- c. Lower payment in lieu of real estate taxes. Under State law, Baldwin House automatically will be exempt from real estate taxes. In lieu of taxes, such housing developments pay an annual service charge established by the City. In 1978 the customary charge was 10% of shelter rents, which are total rents collected minus utility expenses. For several years, the standard has been 4% shelter rents. In some cities, the charge is zero. The lower the service charge, the lower the rents.
- d. Participation in rental subsidies. The City could participate in the Baldwin House rent subsidy fund previously described. The earnings on any monies contributed to the fund would help to reduce the rent of needy tenants.

7. Tentative Development Schedule

April, 1986	Report to City
May, 1986	Seek Federal Court approval
June, 1986	Apply for City approval
October, 1986	Obtain pass-through financing
November, 1986	Commence construction
November, 1987	Complete construction

4-14-86

MINUTES OF REGULAR MEETING

Minutes of a Regular Meeting of the Birmingham City Commission held Monday, April 14, 1986, at 8:32 P.M., in the Commission Room in the Municipal Building.

Present: Mayor Kain, Commissioners Appleford, Bernhard, Judd, Lanzetta, Siewert and Sights

Absent: None

Administration:

City Manager - Robert S. Kenning
City Clerk - Phyllis Armour
City Attorney - Jon Kingsepp
Assistant to City Manager/Personnel Director - Steven Schwartz
City Planner - Bonnie Cook
City Engineer - William Killeen
Director of Public Services - Darrel Middlewood
Building Official - Patrick Murphy
Chief of Fire - Gary Whitener
Assistant Chief of Fire - Edward Weber

8:32

04-433-86: APPROVAL OF MINUTES - CITY COMMISSION MEETING - APRIL 7, 1986 - AS SUBMITTED

MOTION: Motion by Sights, supported by Appleford:
To approve the Minutes of the City Commission meeting held April 7, 1986, as submitted.

VOTE: Yeas, 7 Nays, None

8:33

04-434-86: BALDWIN HOUSE CORPORATION - PROGRESS
REPORT RE: SENIOR CITIZEN HOUSING

Communication dated March 20, 1986, received from Lois Poston, President of Baldwin House Corporation, re: progress of efforts to develop senior housing in Birmingham.

Ms. Poston reviewed a report which was distributed to Commissioners and made the following comments: The corporation will be proposing 130 units on the Baldwin site, of which 100 will be for elderly and 30 for non-elderly; a 5-story and partly 6-story building is proposed; the corporation expects to use a pass-through program with tax exempt bonds issued by MSHDA; the corporation will have access to private subsidy funds in the amount of \$500,000.00, and Baldwin House hopes to set up a private subsidy fund to be supported by private citizens, churches, public bodies, area organizations, etc.; Baldwin House will aim at achieving minority occupancy of at least 16 percent of the dwelling units; construction is scheduled to commence in November, 1986, with a completion date of November, 1987.

Ms. Poston also outlined four ways in which the City might be of assistance, those being site acquisition terms, site improvements, lower payment in lieu of real estate taxes, and participation in rental subsidies.

Commissioner Sights asked if it is important for the City to know who is providing the private subsidy fund.

Ms. Poston stated that the funds will be coming through North Cranbrook Associates, and added that Baldwin House, as part of the contract with North Cranbrook Associates, wants to know and approve the source of the private subsidy fund.

The report was referred to the Administration for review and will be returned to the April 28, 1986 agenda.

8:53

04-435-86: GEORGE MAXTED RE: BARNUM HEALTH
CENTER PARKING

Communication dated April 4, 1986, received from George Maxted, 353 Aspen, commenting on the number of vacant parking spaces at the Barnum Health Center.

8:53

04-436-86: RICHARD SCRIPTER RE: CRESTVIEW
PARK TENNIS COURTS

Communication dated April 7, 1986, received from Richard Scripter, 1767 Southfield, re: condition of the tennis courts at Crestview Park.

The City Manager advised that repair of the courts is included in the 1986-87 Capital Program.

Mr. Scripter addressed the Commission regarding the condition of the courts.

8:58

04-437-86: BIRMINGHAM YMCA RE: CROP WALK -
MAY 18, 1986

MOTION: Motion by Sights, supported by Siewert:
To receive communication dated April 8, 1986, from Barbara Sarkisian, Birmingham YMCA, requesting permission to conduct a Hunger Hike for CROP on May 18, 1986, 2:00 - 5:00 P.M., on a route approved by the Police Department; to approve the request as submitted.

VOTE: Yeas, 7 Nays, None

8:59

04-438-86: THE BIG CHILL RE: SPECIAL LAND
USE PERMIT REVIEW

MOTION: Motion by Sights, supported by Appleford:
To receive application dated April 7, 1986, from Pamela Raines, The Big Chill, 111 Henrietta Street, for review of the Special Land Use Permit which allows placement of tables on City right-of-way on Henrietta for outdoor dining, and requesting waiver of the \$100.00 review application fee; to waive the fee as requested.

VOTE: Yeas, 7 Nays, None

The City Manager reminded the Commission that last summer the operator of the restaurant placed signs in the window advising that only two chairs could be placed at a table, but at times there were three or four chairs around tables which encroached in to the pedestrian walking area. He further commented that it was suggested last year to the restaurant owner that the chairs be affixed to the tables.

Mayor Kain requested Ms. Raines to investigate the use of tables with chairs attached.

Commissioner Lanzetta asked if the encroachment is a serious problem.

BALDWIN HOUSE

A Nonprofit Housing Corporation

1589 West Maple Road
Birmingham, Michigan 48012

Lois L. Poston, President

April 25, 1986

City Commission
City of Birmingham
151 Martin Street
Birmingham MI 48009

Dear Commissioners:

Please accept this letter as supplementing and amplifying our report dated April 14 as follows:

1. Income limitations. The maximum income limitations for occupancy set forth in section 5.b. of our report represent present State and Federal requirements. However, the current tax revision bill pending in Congress would, if enacted in its present form, change the Federal requirement that 20% of the dwelling units be occupied by those with incomes below 80% of the area median income. Instead, the issuer of the tax-exempt bonds providing funds for the mortgage loan would have the option of requiring that either: (a) 20% of the units be occupied by those with incomes below 70% of the area median income, or (b) 25% of the units be occupied by those with incomes below 80% of the area median income. So long as this legislation is pending, with the possibility of a retroactive effective date, any bonds issued will have the option appearing in the tax revision bill rather than the present statutory requirement.

In addition, we again wish to stress that the statutory requirements represent maximum income limits, not minimum limits, and that we are free to establish lower income occupancy goals. In consultation with our co-venturer we have adopted the goal of occupancy of at least 40% of the dwelling units, which is 52 units, by households of lower income; that is, incomes less than 80% of the median income of the Detroit metropolitan statistical area adjusted for number of persons in the household. At this time, these lower income limits range from \$18,200 for one person to \$26,000 for four persons.

2. Rental subsidy fund. The private rental subsidy fund described in section 4.c. of our report is to be made available by a Michigan limited partnership the general partners of which are the principals of North Cranbrook Associates. The business affairs of a limited partnership are conducted solely by the general partners, with the investor limited partners having no say generally in the operations of the business. The partnership providing the fund has been reviewed and approved by officers of Baldwin House, Inc. Disbursements of the earnings of the fund will be controlled by an independent trustee.

3. Use of subsidies. The earnings of the private rental subsidy fund previously described will be used to effect a uniform reduction in rent for 40% of the dwelling units, without regard to the income of the occupant except that all of these units will be occupied by those of lower income as set forth in paragraph 1 hereinabove.

As explained in our report, Baldwin House intends to establish an additional subsidy fund with contributions to be sought from the community. The earnings of the Baldwin House subsidy fund, when operative, will be used to effect further reductions in rent for those tenants most in need of assistance. Allocation of the Baldwin House subsidy funds will be controlled by the Board of Directors of Baldwin House, Inc.

4. Estimated rents. Although rents cannot be determined exactly at this time, our co-venturer has supplied an estimate based on certain assumptions regarding construction costs, operating costs and mortgage loan interest rates. It is estimated that rents for the 1-bedroom units will average \$550 per month plus the applicable payment, if any, in lieu of real estate taxes established by the City and that rents for the 2-bedroom units will average \$650 per month plus the applicable payment; if any, in lieu of real estate taxes established by the City. These rents are before application of any subsidy. Rents include heat and hot and cold water; tenants will pay their own electric and telephone bills. Construction costs, operating costs and mortgage loan interest rates are of course subject to change. We hope to move expeditiously in order to benefit from the present interest rates, which are lower than in recent years.

We will be happy to answer any questions and to supply any desired additional information. If the Commission has no objection, we plan to present the proposal contained in our report and this supplement to the United States District Court in order to determine its compliance with the Judgment entered May 27, 1982.

Respectfully,

BALDWIN HOUSE, INC.
A Nonprofit Housing Corporation

Lois L. Poston
Lois L. Poston, President
For the Board of Directors
and the Sponsoring Churches

LLP:hfa

8:25

04-520-86: **BALDWIN HOUSE CORPORATION RE:
HOUSING PROPOSAL**

Communication dated April 25, 1986, received from Lois Poston, Baldwin House Corporation, supplementing her report dated April 14, 1986, re: Baldwin House housing proposal, and commenting on income limitations, rental subsidy fund, use of subsidies, and estimated rents.

Architect Paul Lin, using a model of the Baldwin site, explained how the housing complex will be situated on the property.

Architect Daniel Tosch, Progressive Associates, made the following statements: The 35 family units will have private entrances and will be separated from the units for the elderly; there will be one central entrance for the elderly units with all common areas for the elderly portion of the building accessible from the main entrance; there will be a television security system; the building will be 52 feet in height and 6 stories; square footage of the units as follows - 1-bedroom elderly, 600 square feet; 2-bedroom elderly, 800 square feet; 1-bedroom family, 650 square feet; 2-bedroom family, 800 square feet, and townhouses, 950 square feet; applicable building and zoning regulations pertaining to high rise construction were considered when the building was designed.

Baldwin House was requested to provide the following: The names of references from the five most recent projects in which North Cranbrook Associates is involved; a listing of projects in which North Cranbrook Associates is currently involved; a copy of the contract between Baldwin House and North Cranbrook Associates; a copy of the contract between Baldwin House and Wingate Management Corporation for management of the building; a written statement on the rents and amounts of subsidies that Baldwin House proposes to provide.

In response to a question from Commissioner Sights, Mrs. Poston stated that the Baldwin House Board of Directors is satisfied with the relationship with North Cranbrook Associates, and is satisfied with the character of the people in North Cranbrook Associates. She added that the names of the principals in North Cranbrook Associates are listed in the report submitted two weeks ago.

MOTION: Motion by Siewert, supported by Sights:
That the City Commission meet in Closed Session following the Regular Meeting of May 5, 1986, to discuss pending litigation re: United States of America vs City of Birmingham.

VOTE: Yeas, 7 Nays, None

9:37

04-521-86: **RICHARD NOONAN, ET AL - PETITION
RE: QUARTON LAKE PARKING**

Petition re: Quarton Lake Parking received from Richard Noonan, et al.

To be resubmitted to the agenda of May 5, 1986.

9:38

04-522-86: JOHN HENKE, ET AL - PETITION OPPOSING
PLEASANT AVENUE SIDEWALK INSTALLATION

Petition opposing the construction of a sidewalk on the west side of Pleasant Avenue received from John Henke, et al.

Mr. Henke, 515 Pleasant, reviewed the letter which accompanied the petition.

The following persons spoke in opposition to the installation of sidewalks on Pleasant: Harold Webster, 426 Pleasant; G. H. Dunikowski, 872 Pleasant; Walter Hedley, 1020 Pleasant; Robert Robb, 958 Pleasant; Karl Meade, 361 Pleasant.

MOTION: Motion by Judd, supported by Lanzetta:
To rescind the Commission resolution of February 24, 1986, ordering the construction of a sidewalk on the west side of Pleasant Avenue.

VOTE: Yeas, 1(Judd) Nays, 6

MOTION FAILED

The Administration will report on whether or not the property owner at the northwest corner of Pleasant and Lincoln was properly advised that he would have to pay for his share of the sidewalk.

10:25

04-523-86: CITY COMMISSIONER REPORTS

MOTION: Motion by Siewert, supported by Appleford:
To receive report submitted by Commissioner Siewert re: Rouge Rescue 1986; to adopt the following resolution:

WHEREAS, the Rouge River Watershed Basin encompasses the municipalities of Auburn Hills, Beverly Hills, Bingham Farms, Birmingham, Bloomfield Hills, Bloomfield Township, Farmington, Farmington Hills, Franklin, Lathrup Village, Lyon Township, Novi, Pontiac, Rochester Hills, Southfield, Southfield Township, Troy, Walled Lake and West Bloomfield Township in Oakland County, and

WHEREAS, the Rouge River Basin has been designated a Class A area of concern in the Great Lakes Basin by the International Joint Commission, and

WHEREAS, the water quality of the Rouge is extremely poor and characterized by proliferation of gross solids, turbidity, odors, low oxygen, contaminated sediments and algae, all of which pose health and safety problems and prevents the enjoyment of this resource by the public, and

WHEREAS, the Michigan Water Resource Commission has approved the Rouge River Basin strategy and calls upon all local jurisdictions within the Rouge River Basin to work diligently to implement the strategy and to identify goals and objectives and begin remedial actions to correct water pollution problems in the Rouge River Basin, and

WHEREAS, June 7, 1986 has been identified as "Rouge Rescue '86" Day.

NOW, THEREFORE, BE IT RESOLVED that the City of Birmingham supports "Rouge Rescue '86" Day for the purpose of bringing to the attention of the public the efforts which will be made in cleaning up the Rouge River so the recreational quality of the river can again be enjoyed.

VOTE: Yeas, 7 Nays, None

LAW OFFICES OF
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ROYAL OAK, MICHIGAN 48072
(313) 288-5000

May 16, 1986

Mr. Brian F. Heffernan
Housing and Civil Enforcement Section
Civil Rights Division
United States Department of Justice
Washington, D.C. 20530

Re: United States of America vs. City of
Birmingham, Michigan
Civil Action No. 80-70991

Dear Mr. Heffernan:

I have a copy of Wendell G. Addington's letter to you and a copy of his letter to Judge DeMascio. He is correct in his statement that the City of Birmingham does not object to presenting the concept of the Baldwin House project to the Judge for approval. I can further state that the City will not object to the Judge approving of the project concept on a preliminary basis, but it is important that all parties understand that the City has some very deep concerns with the project, concerns which, in large measure, stem from making the project 60% for profit, using pass through financing and providing a subsidy through a private endowment furnished by persons having a substantial interest in the project. I hasten to add that I would expect agreement can be reached with Baldwin House which will allay those concerns.

The big concern of the City is that there be some assurance that the 40% of the units presently designated for low income use will continue to be so used and that the endowment which is said to be presently available cannot be terminated. Since the whole project was originally intended by all parties to be for low income tenants, consideration should be given to requiring a continued effort to obtain rental subsidies, particularly from the Federal Government, and to apply them to additional units if they become available.

COMMISSION ONLY
(Releasable If Necessary)

Mr. Brian F. Heffernan

-2-

May 16, 1986

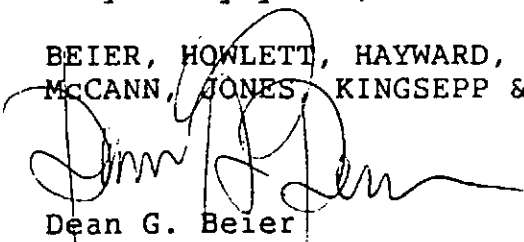
In addition to these concerns, both the City and Baldwin House will have to resolve problems relating to the building itself and the impact which Building Code and Zoning Ordinance provisions will have on it. Some time ago Baldwin House provided the City with a list of things the City could do to assist in meeting the cost of the project. With 60% of the project being for profit, I would not anticipate finding the City anxious to provide much in the way of assistance, but this is another item which should be worked out between the parties.

I would suggest that for now we determine informally whether the Judge will accept the project as outlined in the Addington letter. If he will, Baldwin House can proceed with its plans and the City and Baldwin House can begin negotiations toward resolving the problems outlined above, as well as any other questions that may arise.

Pamela Shea of this office will be working with me on this matter and in my absence will be able to respond to any questions which may arise.

Very truly yours,

BEIER, HOWLETT, HAYWARD, McCONNELL,
McCANN, JONES, KINGSEPP & SHEA


Dean G. Beier

DGB:mhk

cc: Mr. Wendell G. Addington
Mr. Robert S. Kenning
Mr. Karl Gotting

0155B

A-619

LOOMIS, EWERT, EDERER, PARSLEY, DAVIS & GOTTING

GEORGE W. LOOMIS, P.C.
QUENTIN A. EWERT
RODGER T. EDERER, P.C.
WILLIAM D. PARSLEY
JACK C. DAVIS, P.C.
KARL L. GOTTING
MAURICE E. SCHOENBERGER
HARVEY J. MESSING
JAMES R. NEAL
KENNETH W. BEALL
LAWRENCE J. GAGNON
MICHAEL G. OLIVA
R. TIMOTHY CLEMENTS
JEFFREY W. BRACKEN
MICHAEL G. LOFGREN
CATHERINE A. JACOBS
RONALD W. BLOOMBERG
MICHAEL H. RHODES
RICHARD J. AARON
ANDREW J. ROGNESS
THOMAS M. VALLI
MARGARET M. HOPPE
JOHN W. PERSON
TERRY A. DAKE
THOMAS E. MAIER
CHARLES K. GILLIES

1200 BANK OF LANSING BUILDING
LANSING, MICHIGAN 48933
AREA CODE 517
482-2400

PLUMMER SNYDER
(1900-1974)

August 22, 1986

FEDERAL EXPRESS

Honorable Robert E. DeMascio
United States District Court
Eastern District of Michigan
Southern Division
231 Lafayette Boulevard, Rm 707
Detroit, MI 48226

Re: United States of America v City of
Birmingham, Michigan
Civil Action No. 80-70991
Status Conference - August 26, 1986

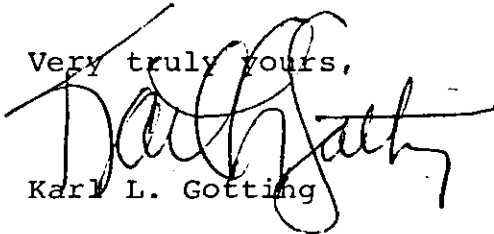
Dear Judge DeMascio:

Enclosed herewith is a Memorandum with regard to the current status of the Baldwin project from the point of view of the Baldwin House Non-Profit Corporation and its proposed partner in the project as currently conceived, North Cranbrook Associates. Copies of this Memorandum have been delivered to the City as well as the U. S. Justice Department.

I understand that Baldwin House has already provided to the Court and parties an outline of the proposal dated April 14, 1986. This memorandum basically provides an update on and further explanation of that information.

Finally, you should be advised that Baldwin House has, at the request of the City, made a further submission to HUD for funding under Section 202 for 100 units of elderly and handicapped housing. This funding would not cover the 30 units of family housing. Similar applications have been rejected by HUD on several occasions in the past.

Very truly yours,


Karl L. Gotting

KLK:klk

Enclosure

cc: Brian F. Heffernan
Wendell G. Addington

Pamela G. Shea
Leo P. Sklar

MEMORANDUM

TO: Judge Robert E. DeMascio

FROM: Karl L. Gotting, Esq., Counsel to Baldwin House, Inc.
and North Cranbrook Associates

DATE: August 22, 1986

RE: United States of America v City of Birmingham, Michigan,
Civil Action No. 80-70991;
Status Conference August 26, 1986

Background

This matter concerns a suit brought by the Department of Justice alleging that the City of Birmingham had engaged in a policy and practice that prevented Baldwin House, Inc. (Baldwin House) from developing in the City, racially integrated low-income senior citizen and family housing in violation of the Civil Rights Act of 1968. This Court in its Memorandum Opinion dated May 3, 1982, found in favor of the Plaintiff and entered a judgment restraining the City from interfering with the efforts of Baldwin House to construct low-income family and senior citizen housing within the City. The decision was affirmed by the United States Court of Appeals, Sixth Circuit by decision dated February 8, 1984 at 727 F2d 560 (1984), except that the Court amended the first paragraph of the judgment reported at 538 F Supp 831 by inserting after the words "from engaging in any conduct" the words "because of race or with discriminating motive on account of race". The U. S. Supreme Court denied certiorari at 105 S. Ct. 95.

In order to proceed with the proposed development Baldwin House has entered into an agreement with North Cranbrook Associates (NCA), a Michigan partnership having extensive experience in the

development of low-income housing in the suburban areas of the state, including the Detroit metropolitan area, to form a limited partnership for the purpose of subsidizing, constructing and managing the proposed Baldwin House development to be situated in the City of Birmingham, Michigan. The parties have made presentations to the Michigan State Housing Development Authority (MSDHA) and the City of Birmingham and advised the U. S. Department of Justice with regard to this proposal. The proposed plan has met with the necessary preliminary approvals of these bodies and the developers accordingly now seek the Court's approval of their proposal.

1. Proposed Partnership Agreement between Baldwin House and NCA

Baldwin House and NCA have entered into a Joint Venture Agreement (Agreement) for development of the Baldwin House project (the Project) in the City of Birmingham. The Project is to be located on what was formerly the Baldwin School site. The parties have agreed to act as co-sponsors of the Project. They propose to form a limited partnership whose purpose will be to acquire the property, subsidize, construct and manage the Project. Under the Agreement, NCA is to be the managing general partner of the partnership. It will be required to regularly consult with and inform Baldwin on all material matters with regard to development and operation of the Project. The approval of Baldwin will be required with respect to the following areas:

- a. Feasibility: initial rents, number of dwelling units and unit mix, i.e., number of elderly and non-elderly units and 1 and 2 bedroom units.

- b. Construction: plans and specifications and all changes thereto which result in a material change in said plans or specifications.
- c. Management: the equal opportunity plan, management plan, marketing plan, management agent (provided, however, that Wingate Management Corporation, a Michigan corporation, shall be deemed approved as a managing agent) and each annual rental schedule subsequent to the initial rents if the total of said schedule is in excess of the total of estimated operating expenses, including mortgage payments and all other charges reasonably necessary for operation of the project, plus required reserves and escrows plus the allowable distribution to partners.
- d. Media selection criteria.
- e. Context of advertising.
- f. The terms and conditions of the utilization of the Subsidy Fund for the benefit of the Project provided that it is understood that the Fund will only be used for the purpose of subsidizing rents for the Project and, further, that the determination of MSHDA as to its use and the terms and conditions thereof shall be final.

The Project will be managed by Wingate Management Corporation, a Michigan corporation, an affiliate of NCA. Wingate Management has extensive experience in the management of subsidized housing developments in the Detroit area, managing in excess of 3,000 units of elderly and family housing. NCA has extensive experience in the construction of residential apartment and townhouse structures having constructed through its affiliates approximately 2,300 units of such housing. NCA, or its designee, will act as general contractor on the Project.

In the event there is a dispute between NCA and Baldwin, Baldwin may seek final decision through an arbitrator mutually

agreed upon between the parties. The agreement presently provides that MSHDA shall act as such arbitrator in the event it is involved in financing of the Project. NCA is required to provide the necessary financing for the Project in the form of letters of credit, cash advances, escrow deposits, etc. It is specifically understood and agreed between the parties that the Agreement is to be construed so as to conform, where applicable, with the rules and regulations of HUD, MSHDA and/or other mortgagees and in accordance with the judgment of the Court rendered in the above referenced litigation.

The financial interest of Baldwin in the project will be its right to receive a distribution of proceeds equal to 5% of the funds available for distribution upon the sale or other disposition of all or substantially all of the partnership assets. This will not include syndication. The likelihood of syndication at this point in time is marginal because of the tax change proposals pending before Congress.

2. Description of Building

The preliminary design of the building includes the following unit mix:

- 92 elderly one-bedroom apartments;
- 8 elderly two-bedroom apartments;
- 12 family one-bedroom apartments "terrace";
- 12 family two-bedroom apartments "terrace";
- 6 family two-bedroom townhouses.

Copies of the preliminary drawings and plans will be provided at the time of the conference with the Court or prior thereto if the Court so desires. The site, because of its size limitation, being 1.49 acres, is extremely limiting. The parties believe that the proposed number of units and mix of units is maximum for the site. The

Project will be designed so as to provide an aesthetically pleasing atmosphere for the surrounding community as well as the tenants occupying the structure. NCA believes that it is well qualified to build such a structure.

3. Financing

It is the proposal of the developers to utilize the "Pass Through" financing program available through MSHDA as this will currently provide the most economic financing for the Project. This program would be replaced only in the event that more favorable economic terms can be achieved in conventional markets which at this time does not appear to be possible.

Historically, MSHDA has been the only agency authorized in the State of Michigan to issue mortgage and industrial revenue bonds for housing development. Under the "Pass Through" authorized by 1985 PA 198, MCLA 125.1401, et seq; MSA 16.114(1), et seq., MSHDA was authorized to establish the "Pass Through" program. Under this program bonds or notes may be issued to finance specific properties. The bonds or notes are secured solely by the property being financed and by a credit enhancement instrument provided by the borrower. The program is authorized for the period May 1, 1984 through June 30, 1987. Eligible borrowers are those authorized under the State Housing Development Authority Act, 1966 PA 346, as amended, MCLA 125.1401, et seq.; MSA 16.114(1), et seq., which would include a limited partnership as proposed by the parties. The bonds must be utilized to serve low and moderate income persons and families identical to the bonds issued by MSHDA. A developer wishing to provide

financing through this program must file an application with MSHDA which must include the following:

1. A description of the credit enhancement instrument which may be in the form of a letter of credit, bond, guaranty, mortgage insurance or other appropriate security enabling MSHDA to determine that repayment of the notes or bonds will be "reasonably secure".
2. An agreement to pay all costs of issuing the notes or bonds and to compensate the professional team for the issue at no cost to MSHDA, including the underwriter, trustee and bond counsel.
3. An application fee of \$4,000 or 0.0005 times the principal amount of the notes or bonds to be issued, whichever is greater.

An affirmative action program is required pursuant to Section 46 of the Act. Monitoring will also occur to assure compliance with state and federally mandated requirements.

4. Subsidy

NCA as a developer of a similar but larger family/elderly project in the City of Hazel Park, has available through that project a fund of money in excess of \$500,000. NCA proposes that a minimum of \$500,000 of said fund be invested and that the earnings thereon be used to subsidize 40% of the dwelling units of the Project. NCA proposes to seek additional funds up to \$1,000,000 from this fund. These dollars would be permanently committed to the Project for the life of the mortgage.

Baldwin House has indicated that it also will attempt to attract additional moneys to create a matching fund to be utilized to subsidize rents within the Project. This is not a requirement to secure the financing.

It is proposed that the fund established from the Hazel Park project will be overseen by MSHDA and the funds invested and applied by that agency. The MSHDA Staff has indicated its approval in its correspondence of June 17, 1986. (See Attachment B hereto).

In exchange for its investment in the Project, the Hazelcrest Limited Dividend Housing Association, a Michigan limited partnership owning and operating the Hazel Park project, will become a 20% limited partner in the partnership to be formed with NCA holding the remaining limited partnership interest.

5. Equal Opportunity

The Project will be operated pursuant to all local, state and federal statutes pertaining to equal opportunity in housing. The position of the sponsoring congregations of Baldwin House is set forth in Section 5.a of the report filed with the Court.

6. Limitations on Return

In accordance with the MSHDA guidelines under the "Pass Through" program, return to the for-profit investors represented by NCA or possible investor limited partners brought into the Project as a result of later syndication, will be limited to 12% during the first year of the Project with increases of 1% each year thereafter until the maximum return equates to 25%. This 25% will be based upon a rather involved formula which is utilized to determine equity in the Project on which the return is based. The return is not based upon total investment. The subsidy fund is not considered equity.

7. City Participation

Subject to the provisions of the Court's order, Baldwin and NCA will be requesting that the City, pursuant to provisions of the Act, waive payment in lieu of real estate taxes or, at a maximum, require only a nominal payment of taxes for the period of the mortgage. This participation is necessary in order to assure that the lowest rents possible for the low-income individuals can be achieved. Currently, it is anticipated that prior to any real estate tax and subsidy the rent schedule would be as follows:

1 bedroom	\$550 per month*
2 bedroom	\$650 per month

*Includes heat, water and sewer, but not electric and telephone.

The developers will also request that the City provide a sufficient number of parking spaces to supplement the on-site parking so that each unit will have one parking space available to it. Currently, the Project anticipates generating 48 spaces on site.

The parties anticipate that the City, pursuant to the Court order, will cooperate in providing the necessary zoning approvals and or waivers, site plan approvals, and other approvals required to allow the development to proceed in a prompt fashion.

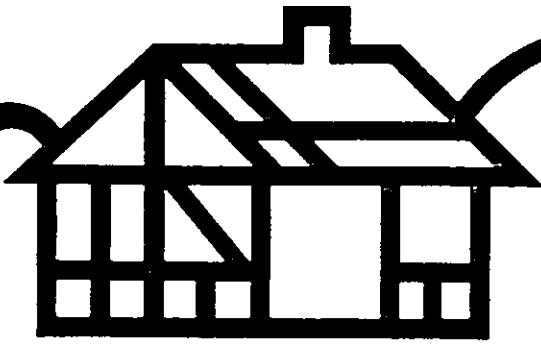
Finally, the purchase price for the property is currently fixed at \$250,000.00. Any savings from the purchase of the property would assist in lowering further yet rents for the elderly.

Conclusion

It is requested that the Court approve the proposed Project. It is also requested that the Court in its approval urge the full cooperation of the U. S. Department of Housing and Urban

Development with that Department giving its necessary approvals and assurances to MSHDA so as to provide for the use of the proposed subsidy funds for this Project.

KLG030:26



Michigan State Housing Development Authority

RENTAL HOUSING PASS THROUGH PROGRAM

Introduction

On July 10, 1984, Governor Blanchard approved P.A. 215 of 1984 which expanded the powers of the Michigan State Housing Development Authority. On December 18, 1985, that Act was amended by P.A. 183 of 1985. Section 44c of the Act as amended (MCL 125.1401 et seq.) creates a program allowing the Authority to issue up to \$400 million of bonds to finance multifamily housing development. At least 25% of the amount authorized must be used in eligible distressed areas (a list of these communities is attached). This program, sometimes referred to as the "pass through" program, is totally self-contained within Section 44c of the Authority's enabling Act.

Historically, the Authority has been the only agency authorized by the State Legislature to issue mortgage and industrial revenue bonds for housing development. The pass through program is radically different from the Authority's historic role of direct lending in that the obligations issued are limited rather than general obligations of the agency, are not secured by the Authority's capital reserve account and therefore are not backed by the moral obligation of the state. Rather, these bonds or notes are secured solely by the properties being financed and by some form of credit enhancement provided by the borrower. The program is authorized for the period May 1, 1984 through June 30, 1987.

The minimal restrictions upon the program are:

Borrowers: Borrowers must be eligible entities under the Authority's Act (i.e., generally limited dividend housing associations or corporations, consumer housing cooperatives and nonprofit housing corporations).

Income Limits: In eligible distressed areas at least 20 percent of the units must be occupied by families with incomes at or below 80 percent of the area median; the remaining 80 percent of the units may be occupied without regard to income. In all other areas, the income limits are

(continued)

slightly more restrictive. Again, 20 percent of the units must be occupied by families with incomes at or below 80 percent of median. The next 15 percent of the units must be occupied by families earning less than 125 percent of median or by elderly, and another 15 percent of the units by families with incomes at or below 150 percent of median or by elderly. The remaining 50 percent of the units may be rented without regard to income. If, after at least one full year of marketing, the developer can demonstrate "reasonable efforts" to rent the units under the limits and an inability to reach 95 percent occupancy level, even these restrictions (except for the 20% low income restriction) are removed.

Limits on Volume: The individual and aggregate limitation on outstanding commitments in non-distressed areas is \$25 million. For projects to be located in eligible distressed areas, the individual limit is \$50 million.

Return on Equity: The borrower is entitled to a cash distribution equal to a 12 percent return on the "borrower's investment" for the first 12 month period following the substantial completion of the job. Thereafter, the return on investment is increased by one percent for each 12 month period following the first 12 months. A statutory cap of 25 percent applies to non-distressed area projects. The return on equity is fully cumulative. The Authority has established a definition of "borrowers investment" or equity, which is available upon request.

Reporting Requirements: By September 1 of each year, the borrower is required to provide the Authority with a report which includes: a) the incomes of the tenants, b) the estimated economic and social benefits of the housing to the immediate neighborhood, c) the estimated economic and social benefits to the community--under this requirement, reports will be required regarding whether or not prevailing wages have been paid, d) information with respect to displacement of lower income persons to the extent such occurs, e) any additional information the Authority needs to report the extent of reinvestment by private lenders in the neighborhood resulting from the housing. In turn, the Authority is required to provide this and other information to the Legislature and the Governor under a different section of the Act, f) the age, race, family size and average income of the tenants, and g) the estimated economic impact of the project, including the number of construction jobs created, wages paid, and taxes and payments in lieu of taxes paid.

Application

A developer wishing to obtain financing under Section 44c must file an application with the Authority which must include:

1. A description of the proposed credit enhancement. The proposed credit enhancement may be in the form of a letter of credit, bonding, guarantee, mortgage insurance or other appropriate security which will allow the Authority to determine that repayment of the notes or bonds will be "reasonably secure."

2. An agreement to pay all costs of issuing the notes or bonds and to compensate the professional team for the issue at no cost to the Authority, including the underwriter, trustee, and bond counsel.
3. An application fee of \$4,000, or 0.0005 times the principal amount of the notes or bonds to be issued, whichever is greater. For a project located in an eligible distressed area, this fee is refundable if the notes or bonds are not delivered; in all other cases the fee is non-refundable.

Evaluation of Credit/Security

The credit enhancement device will be reviewed by the Authority's Legal and Finance Divisions. Based upon the recommendations of these divisions, the Executive Director and the Authority Board must determine whether repayment of the notes or bonds will be "reasonably secure" under the statute.

If this is determined, the evaluation of the credit enhancement substitutes for the Authority's normal underwriting and feasibility review.

Other Reviews

An affirmative action program will be required pursuant to Section 46 of the Authority's Act. In addition, a modified A-95 review will be conducted in order to comply with Executive Order 1974-4 and the Continuing Action Statement of the Michigan Environmental Review Board. Some monitoring will occur to assure compliance with state and federally mandated requirements.

Authority Processing

Typically, Authority processing will occur in three stages as follows:

1. Inducement Resolution: Upon submission of all requisite information the Authority will adopt an "inducement resolution". This resolution will be official action for the purposes of Section 103 of the Internal Revenue Code, but will not constitute a commitment to loan funds under Section 44c of the Act nor will it function as a reservation or allocation of any of the Authority's bonding capability for this program.
2. Commitment Resolution: This resolution will not be adopted until evidence of a firm commitment for credit enhancement has been provided. The commitment authorized by this resolution will be for six months and will serve as a reservation of the Authority's bonding capability for this program, so long as the Authority has uncommitted bonding capability under its Act or any allocation system. Upon payment of an additional non-refundable sum of \$5,000, the commitment may be extended for an additional six month period.

(continued)

3. Resolution Authorizing Issuance of Notes or Bonds: This Resolution will be adopted once the note or bond documents are in substantially final form.

Fees

As previously mentioned, an application fee of the greater of \$4,000 or 0.0005 of the principal amount of the notes or bonds for which issuance is requested must be submitted with all applications. This amount will be credited against the commitment fee, payable when the commitment is issued, of .1% of the principal amount of notes or bonds to be issued. Additionally, when the bonds are issued, the borrower shall pay a fee of .9% of the principal amount of the notes or bonds when such are issued for a project located in an eligible distressed area, and a fee of 1.9% for a project located in other than an eligible distressed area. This higher fee will be reduced to .9%, however, if, within 180 days preceding the issuance of these bonds, the borrower received a loan for a project located in an eligible distressed area. Similarly, if the borrower has paid the 1.9% fee and notes or bonds are issued within 180 days of a prior issuance to the same borrower for a project located in an eligible distressed area, the .9% fee will not be charged.

Developers interested in an application package or more information about the pass through program should contact:

Frank Cibor
Director of Multifamily Development
Michigan State Housing Development Authority
State of Michigan Plaza Building, 19th Floor
1200 Sixth Street
Detroit, Michigan 48226.
(313) 256-2860

EQUAL HOUSING LENDER

COMMUNITIES MEETING
ELIGIBLE DISTRESSED AREA CRITERIA:
PASS THROUGH PROGRAM

<u>City Name</u>	<u>Formula Qualification</u>	<u>DDA Qualification¹</u>
Albion	X	
Alpena		X
Ann Arbor		X
*Bangor	X	
Battle Creek		X
Bay City	X	X
Benton Harbor	X	
*Brevort Twp.	X	
*Bronson	X	
*Buena Vista Twp.	X	
Burton		X
Cheboygan	X	
Dearborn		X
Detroit	X	X
Ecorse	X	
Ferndale		X
Flint	X	X
Garden City		X
Gladstone	X	
Grand Rapids		X
*Grayling	X	
Hamtramck	X	X
Hartford	X	
Hazel Park	X	
Highland Park	X	
Holland		X
Inkster	X	
Jackson	X	X
Kalamazoo		X
Keego Harbor	X	
Lansing		X
*Manistique	X	
Marquette		X
*McMillan Twp.	X	
Monroe		X
*Morenci	X	
Mt. Clemens	X	
Mt. Morris	X	
*Mt. Morris Twp.	X	
*Mueller Twp.	X	

(continued)

<u>City Name</u>	<u>Formula Qualification</u>	<u>DDA Qualification¹</u>
Muskegon	X	
Muskegon Heights	X	
Onaway	X	
*Oscoda	X	
Otsego	X	
Owosso	X	
Pontiac	X	X
Port Huron	X	X
River Rouge	X	
Romulus		X
Rogers City	X	
Roseville		X
Royal Oak		X
Sault Ste. Marie	X	
*South Haven	X	
Saginaw	X	X
Ypsilanti		X
*Watervliet	X	
Wayne		X

¹If a community qualifies only under this category, the development must be located within the boundaries of the DDA, as of May 1, 1984.

*New, 1985 Addition.

Public Act 215 defines an "eligible distressed area" as one or more of the following:

1. An area located in a city with a population of at least 10,000 which is either designated as a "blighted area" by a local legislative body or which is determined by the Authority to be blighted or largely vacant by reason of clearance or blight. If the Authority designates the area as blighted, it must determine that private enterprise has failed to provide a supply of adequate, safe and sanitary dwellings sufficient to meet market demand. In addition, the city must approve the changes in income limits that are associated with this designation by either a resolution or written communication from the highest legislative body of the city or the mayor. (Section 11(u)(i)).
2. A municipality which meets all of the following requirements (formula qualification):
 - (A) The municipality shows a negative population change from 1970 to the date of the most recent federal decennial census.
 - (B) The municipality shows an overall increase in the state equalized value of real and personal property of less than the statewide average increase since 1972.
 - (C) The municipality has a poverty rate, as defined by the most recent federal decennial census, greater than the statewide average.
 - (D) The municipality is eligible for the federal Urban Development Action Grant program pursuant to section 119 of the housing and community development act of 1979, 42 U.S.C. 5318.
 - (E) The municipality has had an unemployment rate higher than the statewide average unemployment rate for three of the preceding five years. (Section 11(u)(ii)).
3. An area in a city with a population of more than 20,000 which area is within the boundaries of a Downtown Development Authority (DDA), which was established on or before May 1, 1984. (Section 11(u)(iii)).

August 26, 1986

MEMORANDUM

TO: The Birmingham City Commission
FROM: R.S. Kenning, City Manager
RE: United States vs. City of Birmingham

On August 25, 1986, the Birmingham City Commission received at the Commission meeting a copy of a letter from Karl L. Gotting to the Honorable Robert E. DeMascio which included a memorandum dated August 22, 1986, with regard to the above subject.

Counsel had underlined several key statements in the memorandum which, taken in total, could create some problems for the City of Birmingham.

On Page 2 of the document, it is stated in part "The parties have made presentations to . . . the City of Birmingham. . . The proposed plan has met with the necessary preliminary approval of these bodies . . ." On Page 8 of the document, there are four ways in which the City may "cooperate" with the project. These include (1) waiving payment of real estate taxes, (2) providing on-site parking for approximately 82 parking spaces, (3) granting zoning waivers for such things as height setback and family units being on the same site as elderly, and (4) donating the purchase price for the property of \$250,000.

It is my concern that given the comment on Page 2, it will be assumed by Judge DeMascio that the four items listed above will be automatically granted by the City of Birmingham.

On May 5, 1986, the City Commission met in closed session with representatives from Baldwin House to discuss the proposal for development on the Baldwin site. A key paragraph from the minutes for that meeting states, "It was the consensus of the City Commission to approve the 40/60 concept, and the endowment and return from it to be used for subsidies." The 40/60 concept related to the fact that 40% of the dwelling units for the seniors would be subsidized from the earnings from the \$500,000 investment fund. My own personal notes show an additional comment with regard to the meeting. That comment stated that while the Commission agreed with the concept of the housing being built on the site, the Commission needed more information before agreeing

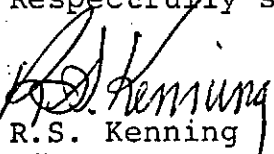
C O M M I S S I O N O N L Y
(Not Releasable)

The Birmingham City Commission
Re: United States vs. City of Birmingham
August 26, 1986
Page Two

to the other items that were discussed. The City Attorney wrote a letter, a copy of which is attached, to Brian F. Heffernan on May 16, 1986; which more accurately reflected the qualified approval of the project.

The City's Legal Counsel was called the first thing Tuesday morning to discuss the above concerns. They had similar concerns with the letter of memorandum. I was assured that Counsel would make it clear at the hearing that the City of Birmingham had not committed in total to the four items listed above.

Respectfully submitted,


R.S. Kenning
City Manager

RSK:pjf

LAW OFFICES OF
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74 WEST LONG LAKE ROAD, SUITE 1
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3101 NORTH WOODWARD AVENUE
SUITE 300
ROYAL OAK, MICHIGAN 48072
(313) 288-5000

August 27, 1986

CITY COMMISSION
City of Birmingham
151 Martin Street
P. O. Box 3001
Birmingham, Michigan 48013

Dear Commissioners:

In re: BIRMINGHAM advs. U.S.A.

On August 26, 1986, I attended a status conference in Judge DeMascio's chambers. Present in addition to myself were attorneys Brian Heffernan on behalf of the United States Government, attorney Karl Gotting for Baldwin House, Leo Sklar from North Cranbrook Associates, and Lois Poston and Wendell Addington from Baldwin House.

The purpose of this meeting was to ascertain whether the Court was in general agreement with the present Baldwin House proposal that this project be funded via pass-through financing and subsidized from a private endowment. In addition, Baldwin House wished the Court's approval for its proposal that only 40% of the units be subsidized. On behalf of the City of Birmingham, we expressed no major disagreement with these three aspects of the proposal, but made note of the fact that there are a number of details that must be worked out with Baldwin House insofar as the building itself is concerned and certainly the various requests that will be made of the City for assistance in reducing the cost of the project.

Judge DeMascio expressed his satisfaction that this is the best project that could be expected given the present limitations in funding. Counsel for Baldwin House advised that they have now once again applied for section 202 funding and expect to know in approximately 30 days whether their application will be granted.

202

City Commission

Page 2

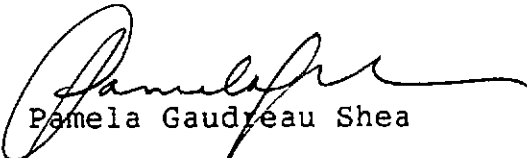
In re: Birmingham advs. U.S.A.

Judge DeMascio requested that counsel for the parties and Baldwin House prepare an order for his signature summarizing the events of our conference. Brian Heffernan of the Justice Department will do a rough draft, thereafter circulating it to counsel for Baldwin House and our office for approval.

After meeting with the judge, I conferred with counsel for Baldwin House, Leo Sklar and Lois Poston, all of whom expressed a desire to meet promptly with the City Commission to explore our respective concerns about the project details. They would like to do this very soon and on an informal basis, if possible. Because of the pending litigation, the City Commission may meet in closed session with representatives from Baldwin House and I would suggest that such a meeting be scheduled as soon as practicable. I will be happy to discuss our status conference in greater detail at a closed meeting following the regular Commission meeting of September 2, 1986.

Very truly yours,

BEIER, HOWLETT, HAYWARD, McCANN,
JONES, KINGSEPP & SHEA



Pamela Gaudreau Shea

PGS:sar

COMMISSION ONLY

(1571S)

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,	)	CIVIL ACTION NO. 80-70991
	)	
Plaintiff,	)	
	)	HONORABLE ROBERT E. DEMASCIO
v.	)	
	)	
CITY OF BIRMINGHAM, MICHIGAN,	)	ORDER
	)	
Defendant.	)	

On May 27, 1982, this Court entered its Judgment which, among other things, retained continuing jurisdiction to make amendments to the Judgment as required in order to assure that low-income family and senior citizen housing is constructed by Baldwin House in the City of Birmingham.

Plaintiff, Defendant and Baldwin House appeared before this Court at a status conference held on August 26, 1986 to discuss the April 14, 1986 housing development proposal of Baldwin House previously submitted to the Court. That proposal provides, among other things, for development of a low and moderate-income family and senior citizen housing project of 130 units, 100 units for the elderly and 30 units for families. The project is to be developed by a limited partnership to be formed by Baldwin House and North Cranbrook Associates. A subsidy fund for 40% of the units is proposed through the investment of not less than \$500,000 of funds held by the Michigan State Housing Development Authority (Authority) for the account of Hazelcrest Limited Dividend Housing Association. These aspects of the Baldwin House

proposal have received the necessary preliminary approval of the Authority and have been preliminarily accepted by all of the parties. The Court hereby approves the April 14, 1986, proposal submitted by Baldwin House insofar as it details the number of units, ratio of elderly to family units, financing and rent subsidies.

Plaintiff has objected to Baldwin House's description of a proposed affirmative marketing plan for the proposed project outlined in Section 5 of its April 14th document. Baldwin House has indicated its willingness to amend that description so as to provide that the plan "shall be in accordance with all federal and state statutes and shall ensure that the project is marketed in a nondiscriminatory fashion and specifically to insure that minorities are fully informed of these housing opportunities." Section 5 of the proposal, objected to by Plaintiff, shall be so amended.

The Court understands that central to the construction of the development is the plan for providing subsidies to low-income families and individuals through the use of residual receipts from the Hazelcrest project for the term of the proposed mortgage loan, a period of thirty years. It is proposed that those funds would be invested and that the proceeds would be paid or otherwise made available for the Baldwin project to subsidize up to 40% of the units to be occupied by low-income elderly, families or individuals. The proposal has been reviewed by the Authority staff which found it acceptable. Baldwin House and

North Cranbrook Associates believe that the prompt concurrence of the U.S. Department of Housing and Urban Development (HUD) in the use of the Hazelcrest funds would assist in the expeditious development of the project. This Court, recognizing that the availability of these funds is key to the development of this project, urges the full cooperation of HUD in the proposed use of the Hazelcrest funds.

If it is necessary to extend the agreement to purchase the Baldwin School Site between the City of Birmingham and Baldwin House in order to proceed with development of the project as herein provided, the City of Birmingham shall extend said agreement for an additional twelve months beyond the current expiration date.

Except as otherwise provided for herein, the Order and Judgment of this Court dated May 27, 1982, as amended by the Sixth Circuit Court of Appeals on February 8, 1984, is hereby affirmed.

This 6th day of Oct, 1986.

ROBERT E. DEMASCIO

ROBERT E. DEMASCIO
United States District Judge

J. Harrison

ADVISE - def. Specific housing
- CA opinion - enforceable so long as
no discriminatory intent. Just limit

PAGE 1

CLIENT IDENTIFIER: BHAM-USA-JHK
DATE OF REQUEST: 04/28/86
THE CURRENT DATABASE IS CTA

② Not a general purpose
③ Regular not regular
④ BZA regulars.

itation
27 F.2d 560

FOUND DOCUMENT

Database Mode
CTA P

UNITED STATES of America, Plaintiff-Appellee,
v.

CITY OF BIRMINGHAM, MICHIGAN, Defendant-Appellant.

No. 82-1559.

United States Court of Appeals,
Sixth Circuit.

Argued Oct. 7, 1983.

Decided Feb. 8, 1984.

Civil Rights Division of the Department of Justice filed fair housing case charging that city had prevented development of racially integrated low-income senior citizen and family housing by a private corporation, in violation of civil rights statute. The United States District Court for the Eastern District of Michigan, 538 F.Supp. 819, Robert E. DeMascio, J., issued an injunction restraining the city from interfering further with the efforts of the private corporation to construct low-income family and senior citizen housing within the city. City appealed. The Court of Appeals, Harry Phillips, Senior Circuit Judge, held that: (1) findings of fact upon which the district judge based his ultimate conclusion that the city blocked the housing development with a racially discriminatory intent were not based upon hearsay evidence and were not clearly erroneous; (2) district court's conclusion that the city's interference with the housing project was racially motivated in part was not dependent upon the motivation of voters in nonbinding referendum which was held concerning project; (3) evidence was sufficient to support finding that the city acted with a discriminatory intent in blocking the low-income housing proposal; and (4) district court exceeded its remedial authority by enjoining the city from engaging in "any conduct" that interfered with the private corporation's efforts to construct low-income family and senior citizen housing within the city, and therefore, the injunction would be limited to prohibit the city from engaging in any conduct because of race or with discriminatory motive on account of race.

PR. (C) WEST 1986 NO CLAIM TO ORIG. U.S. GOVT. WORKS

Affirmed as modified.

1]

70BK844

FEDERAL COURTS

. Credibility of witnesses in general.

.A.Mich. 1984.

court of Appeals may set aside findings of fact of a district judge sitting without a jury only if findings are "clearly erroneous," and, to do so, the court of Appeals must be left, after reviewing the entire record, with definite and firm conviction that a mistake has been committed, and will defer to district court's determinations with respect to credibility of witnesses. Fed.Rules Civ.Proc.Rule 52(a), 28 U.S.C.A.

.S. v. City of Birmingham, Mich.

27 F.2d 560

1]

70BK850

FEDERAL COURTS

. Clearly erroneous findings of court or jury in general.

.A.Mich. 1984.

court of Appeals may set aside findings of fact of a district judge sitting without a jury only if findings are "clearly erroneous," and, to do so, the court of Appeals must be left, after reviewing the entire record, with definite and firm conviction that a mistake has been committed, and will defer to district court's determinations with respect to credibility of witnesses. Fed.Rules Civ.Proc.Rule 52(a), 28 U.S.C.A.

.S. v. City of Birmingham, Mich.

27 F.2d 560

1]

70BK853

FEDERAL COURTS

. Definite and firm conviction of mistake.

.A.Mich. 1984.

court of Appeals may set aside findings of fact of a district judge sitting without a jury only if findings are "clearly erroneous," and, to do so, the court of Appeals must be left, after reviewing the entire record, with definite and firm conviction that a mistake has been committed, and will defer to district court's determinations with respect to credibility of witnesses. Fed.Rules Civ.Proc.Rule 52(a), 28 U.S.C.A.

.S. v. City of Birmingham, Mich.

27 F.2d 560

2]

3K13.13(3)

CIVIL RIGHTS

. Weight and sufficiency.

.A.Mich. 1984.

a fair housing case filed by Department of Justice, findings of fact upon which district judge based his ultimate conclusion that city blocked senior citizen and low-income housing development with racially discriminatory intent are not based upon hearsay evidence and were not clearly erroneous. Civil Rights Act of 1968, ss 804(a), 817, 42 U.S.C.A. ss 3604(a), 3617; Fed.Rules Civ.Proc.Rule 52(a), 28 U.S.C.A.

PR. (C) WEST 1986 NO CLAIM TO ORIG. U.S. GOVT. WORKS

U.S. v. City of Birmingham, Mich.

27 F.2d 560

[3]

8K13.13(3)

CIVIL RIGHTS

1. Weight and sufficiency.

2.A.Mich. 1984.

In fair housing case filed by Department of Justice which charged that city had prevented development of racially integrated low-income senior citizen and family housing by private corporation in violation of civil rights statute, district court's conclusion that the city's interference with the corporation's plan to construct low-income family housing was racially motivated in part was not dependent upon motivation of voters in nonbinding referendum which was held concerning the proposed housing project; furthermore, evidence, including views expressed by significant number of opponents of the project, and a city commission that knowingly pursued policies that appeased those who expressed bigoted views, was sufficient to support the district court's conclusion.

Civil Rights Act of 1968, ss 804(a), 817, 42 U.S.C.A. ss 3604(a), 3617.

U.S. v. City of Birmingham, Mich.

27 F.2d 560

[4]

8K13.2(2)

CIVIL RIGHTS

1. Public accommodations or facilities.

2.A.Mich. 1984.

Injunction, against city found to have interfered, based partly on racial motivation, with private corporation's plan to construct low-income family housing, prohibiting city from engaging in "any conduct" that interfered with the private corporation's efforts would be limited to prohibit city from engaging in any conduct because of race or with discriminatory motive on account of race. Civil Rights Act of 1968, ss 804(a), 817, 42 U.S.C.A. ss 3604(a), 3617.

U.S. v. City of Birmingham, Mich.

27 F.2d 560

[5]

8K13.16

CIVIL RIGHTS

1. Judgment, relief, and enforcement.

2.A.Mich. 1984.

In fair housing case filed by Department of Justice charging that city had prevented development of racially integrated low-income housing by private corporation in violation of civil rights statute, district court did not abuse its discretion by permitting private corporation to obtain additional extensions of contract for sale of school site owned by city. Civil Rights Act of 1968, ss 804(a), 817, 42 U.S.C.A. ss 3604(a), 3617.

U.S. v. City of Birmingham, Mich.

27 F.2d 560

[6]

70AK2391

FEDERAL CIVIL PROCEDURE

1. In general.

PR. (C) WEST 1986 NO CLAIM TO ORIG. U.S. GOVT. WORKS

D.A.Mich. 1984.

Flexibility is proper in successful shaping and supervision of an equitable decree.

U.S. v. City of Birmingham, Mich.

727 F.2d 560

William M. Saxton, argued, Butzel, Long, Gust, Klein & Van Zile, Detroit, Mich., Dean G. Beier, Beier, Howlett, McConnell, McCann, Bloomfield Hills, Mich., for defendant-appellant.

Leonard R. Gilman, U.S. Atty., Detroit, Mich., William R. Yeomans, argued, Brian Heffernan, Dept. of Justice, Washington, D.C., for plaintiff-appellee.

Before MERRITT, Circuit Judge, PHILLIPS, Senior Circuit Judge, and SPIEGEL, District Judge. [FN*]

FN* The Honorable S. Arthur Spiegel, United States District Judge for the Southern District of Ohio, sitting by designation.

PHILLIPS, Senior Circuit Judge.

This fair housing case was filed by the Civil Rights Division of the Department of Justice against the City of Birmingham, Michigan, charging that the City had prevented the development of racially integrated low-income senior citizen and family housing by Baldwin House, a private corporation, in violation of the Civil Rights Act of 1968 (the Fair Housing Act). 42 U.S.C. ss 3604(a) and 3617. [FN1]

FN1. s 3604. Discrimination in sale or rental of housing
As made applicable by section 3603 of this title and except as exempted by sections 3603(b) and 3607 of this title, it shall be unlawful--
(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, or national origin.
s 3617. Interference, coercion, or intimidation; enforcement by civil action
It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 3603, 3604, 3605, or 3606 of this title. This section may be enforced by appropriate civil action.

In an opinion containing comprehensive findings of fact, District Judge Robert J. DeMascio issued an injunction restraining the City from interfering further with the efforts of Baldwin House, a non-profit corporation formed by members of five different Birmingham churches, to construct low-income family and senior citizen housing within the City of Birmingham.

Reference is made to the opinion of the district court, published in 538 F.Supp. 819 (E.D.Mich.1982) for a detailed recitation of pertinent facts. We affirm the judgment of the district court except for one modification in the injunction as hereinafter set forth in part VI of this opinion, infra.

PR. (C) WEST 1986 NO CLAIM TO ORIG. U.S. GOVT. WORKS

I

Birmingham, a suburb of Detroit, Michigan, has a population of approximately 12,000, with a very small minority ratio. According to the 1980 federal census only forty-four (0.2%) of its citizens were black. The City of Birmingham was aware of an acute shortage of senior citizen housing as early as 1969.

Attempting to meet this need, in 1975, after competitive bidding, the City accepted a proposal submitted by Baldwin House by which the City would sell to Baldwin House a recently acquired school site. The proposal called for the construction and management of 156 units (later reduced to 152) of senior citizen housing on the former site of the Baldwin School. Baldwin House proposed to finance construction through the Michigan State Housing Development Authority (MSHDA) and planned to seek tenant rent subsidies under the Section 8 program of the Department of Housing and Urban Development.

The sale required voter approval. At a referendum held April 5, 1976, the voters of the City overwhelmingly approved the sale of the Baldwin School site to Baldwin House. The district court found as follows:

On December 6, 1976, Birmingham entered into an agreement for the sale to Baldwin House of the former Baldwin School site. Paragraph I(G) of the agreement provided:

The City acknowledges that federal and state policy requires that non-elderly government assisted housing as well as assisted elderly housing be provided in each housing market area. Therefore, the City agrees it will consider such existing, rehabilitated and/or new housing as the Michigan State Housing Development Authority and/or U.S. Department of Housing and Urban Development shall reasonably require as a condition of providing financing and assistance to the Baldwin House project.

The agreement gave Baldwin House one year to obtain MSHDA financing. Thus, prior to signing the agreement, the City Commission knew that MSHDA would require some "family housing" as a condition for financing the construction of senior-citizen housing. City officials also knew that MSHDA would probably require some new construction of family housing.

On February 25, 1977, Baldwin House submitted its first request to MSHDA for financing the construction of family housing (50 units on one site with a possible additional 10 units on a second site). In March 1977, less than 90 days after the City signed its agreement with Baldwin House, MSHDA officials informed Mr. Watchowski, the City Grant Administrator, that, as part of its newly announced balanced housing policy, MSHDA would require one unit of low-income family housing for every two units of senior-citizen housing as a condition for financing construction of senior-citizen housing.

538 F.Supp. at 822 (footnotes omitted).

After numerous developments described in detail in the district court's opinion, 538 F.Supp. at 822 to 824, the district court found that "Soon after the public had been advised that Baldwin House intended to construct low-income family housing, opposition began to surface. Most of the opposition to the proposal centered on fears that family housing might introduce 'harmful elements' into Birmingham." 538 F.Supp. at 824. Opposition to low-income housing was expressed at meetings of the City Commission. Flyers were distributed throughout the City, vigorously attacking the Baldwin House plan. The district court found that "[r]esidents who opposed the Baldwin House proposal attended every Commission meeting between November 1977 and April 1978"; and that they expressed concern about "those people" coming to

PR. (C) WEST 1986 NO CLAIM TO ORIG. U.S. GOVT. WORKS

Birmingham. Id. The court concluded: "We find that when the group led by Nancy Elby referred to 'those people,' they were referring to black people." Id. The court found that the City Commission took action that supported opponents of the Baldwin House proposal by agreeing to defer a final vote on extending the Baldwin House contract and by adding several amendments to the proposed contract that made it impossible for Baldwin House to continue its negotiations successfully with MSHDA. Id. at 825.

An advisory referendum on the Baldwin House proposal was held on April 3, 1978, when three of the seven members of the City Commission stood for reelection. The Baldwin House proposal and the three incumbent Commissioners were defeated. Three candidates opposing the proposal were elected. The district court found:

The City's interference with the Baldwin House proposal culminated when on May 8, 1978 ... the three remaining Commissioners who supported the Baldwin House proposal were recalled from office. This newly composed Commission never took any action to repair the damage its practices and policies had done to the negotiations between MSHDA and Baldwin House. Even though the new Commission was aware that Baldwin House wanted its contract extended at least until September 1978, it took no action. It would have served no purpose for Baldwin House to again request an extension; it knew it had no support on the new Commission. A city that had actively interfered with the Baldwin House/MSHDA negotiations could now preclude construction of racially integrated family housing in Birmingham by simply doing nothing.

538 F.Supp. at 826.

The district court held that "the City's interference with the Baldwin House plan to construct low-income housing was, in fact, racially motivated." Id. Judge DeMascio then articulated seven specific factors in support of his conclusion. These seven factors are set forth in the quotation in Part IV of this opinion, *infra*.

We find the conclusion of the district court on these seven factors to be supported by the record. Reference is made to the findings of fact of the district court for comprehensive details of evidence supporting the court's conclusion on these seven factors.

II

The City urges reversal of the judgment of the district court on the following grounds:

- (1) The findings of fact upon which the district judge based his ultimate conclusion that the City blocked the Baldwin House development with a racially discriminatory intent is based upon hearsay evidence and are clearly erroneous;
- (2) That the district court unlawfully inquired into the motives of voters who participated in the April 3, 1978 advisory referendum on the sale of the Baldwin school site to the Baldwin House group;
- (3) That the district court erred in holding that the City acted with a discriminatory intent is erroneous and contrary to law; and
- (4) That the remedy prescribed by the district court is not limited to the nature of the violation found.

We address each of these contentions in turn.

III

[1] This court may set aside findings of fact of a district judge sitting without a jury only if the findings are "clearly erroneous." Fed.R.Civ.P. 52(a). To set aside such findings of fact, we must be left, after reviewing DPR. (C) WEST 1986 NO CLAIM TO ORIG. U.S. GOVT. WORKS

the entire record, "with the definite and firm conviction that a mistake has been committed." *United States v. United States Gypsum Co.*, 333 U.S. 364, 395, 68 S.Ct. 525, 541, 92 L.Ed. 746 (1948), reh'g denied 333 U.S. 869, 68 S.Ct. 588, 92 L.Ed. 1147 (1948). In making a decision as to whether a mistake has occurred, this court defers to the district court's determinations with respect to the credibility of witnesses. "Findings as to the design, motive and intent with which men act depend peculiarly upon the credit given to witnesses by those who see and hear them." *United States v. Yellow Cab Co.*, 338 U.S. 338, 64-1, 70 S.Ct. 177, 179, 94 L.Ed. 150 (1949).

[2] In a recent case also involving racial motivation of public officials in withdrawing support for a low-income housing project, *Smith v. Town of Clarkton*, 682 F.2d 1055, 1064-1065 (1982), the Fourth Circuit wrote:

Municipal officials acting in their official capacities seldom, if ever, announce on the record that they are pursuing a particular course of action because of their desire to discriminate against a racial minority. Even individuals acting from invidious motivations realize the unattractiveness of their prejudices when faced with their perpetuation in the public record. It is only in private conversation, with individuals assumed to share their bigotry, that open statements of discrimination are made, so it is rare that these statements can be captured for purposes of proving racial discrimination in a case such as this. The trial court, in making findings of fact, was faced with the same problems confronting trial courts everywhere sitting as finders of fact in cases involving racial discrimination.

We conclude that the city's contentions that the findings of the district court are based upon hearsay testimony and are "clearly erroneous" are without merit.

IV

[3] The City also contends the district court erred by examining the motivation of voters who opposed the Baldwin House proposal in the nonbinding referendum held April 3, 1978. We do not read the opinion of the district court as dependent upon the motivation of voters in this referendum for its decision. The facts enumerated by the district judge in support of his conclusion that the City interfered with the Baldwin House plan were the following:

We conclude that the City's interference with the Baldwin House plan to construct low-income family housing was, in part, racially motivated. Among the facts that lead us to this conclusion are the views expressed by a significant number of opponents of Baldwin House (uttered both on the public record and within the hearing of those who testified at trial); a Commission that knowingly pursued policies that appeased those who expressed these bigoted views; the opinion testimony of supporters of Baldwin House describing the motivation of their opposition; the unusual sequence of events leading to the contract amendments and the Commission's decision not to extend its contract with Baldwin House; the decision to conduct an advisory referendum on the Baldwin House proposal; the extreme hostility and persistence displayed by opponents of Baldwin House in their efforts to defeat its proposal; the defeat of three commissioners at the April 3, 1978 election and the subsequent recall of the remaining three commissioners who favored the Baldwin House proposal; and the fact that Birmingham was and still is a virtually all-white community despite its longstanding open-housing ordinance.

538 F.Supp. at 826.

PR. (C) WEST 1986 NO CLAIM TO ORIG. U.S. GOVT. WORKS

Racial motivation of voters in the referendum is not articulated in this paragraph as one of the critical factors. The court stated the basic issue in the case to be "whether the city's interference with the Baldwin House/MSHDA negotiations was racially motivated," 538 F.Supp. at 830; and, notwithstanding any racially discriminatory motives on the part of voters, the court found that numerous actions of city officials which restricted and finally terminated those negotiations were based on racially discriminatory considerations. This statement of the issue is not erroneous and the district court's findings on this issue are not clearly erroneous. We affirm the District Court's decision on this basis and on the basis of the seven factors enumerated in the above-quoted paragraph. We therefore do not find it necessary in this opinion to pass upon the issue of whether a district court may make a judicial examination of the motivation of voters in an advisory referendum election.

V

We further conclude that the district court did not err in holding that the City acted with discriminatory intent in blocking the Baldwin House proposal. *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 97 S.Ct. 555, 50 L.Ed.2d 450 (1977) sets forth the standards against which official conduct may be weighed in attempting to determine whether that conduct was motivated by a discriminatory purpose. "[O]fficial action will not be held unconstitutional solely because it results in a racially disproportionate impact. 'Disproportionate impact is not irrelevant, but it is not the sole touchstone of invidious racial discrimination.'" 429 U.S. at 265, 97 S.Ct. at 563, quoting *Washington v. Davis*, 426 U.S. 229, 96 S.Ct. 2040, 48 L.Ed.2d 597 (1976). (emphasis added). The Court in *Arlington Heights* went on to say:

Davis does not require a plaintiff to prove that the challenged action rested solely on racially discriminatory purposes. Rarely can it be said that a legislature or administrative body operating under a broad mandate made a decision motivated solely by a single concern, or even that a particular purpose was the "dominant" or "primary" one. In fact, it is because legislators and administrators are properly concerned with balancing numerous competing considerations that courts refrain from reviewing the merits of their decisions, absent a showing of arbitrariness or irrationality. But racial discrimination is not just another competing consideration. When there is a proof that a discriminatory purpose has been a motivating factor in the decision, this judicial deference is no longer justified.

Determining whether invidious discriminatory purpose was a motivating factor demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available.

429 U.S. at 265-66, 97 S.Ct. at 563-564. (footnotes omitted).

To assist courts in this inquiry, the Supreme Court has identified objective factors that may be probative of racially discriminatory intent: (1) the racial impact of an official action; (2) the historical background of the decision; (3) the sequence of events leading up to the challenged decision, including departures from normal procedures and usual substantive norms; and (4) the legislative or administrative history of the decision. *Arlington Heights*, supra, 429 U.S. at 266-267, 97 S.Ct. at 563-564. No single factor may be dispositive of this decision. In the present case we conclude that the district court did not err in deciding that the totality of circumstances establishes that the City of Birmingham blocked development of Baldwin House PR. (C) WEST 1986 NO CLAIM TO ORIG. U.S. GOVT. WORKS

CITY OF BIRMINGHAM
MICHIGAN

APPROVED
SLUP
AUG. 24, '87

SPECIAL LAND USE PERMIT
BALDWIN HOUSE CORPORATION

WHEREAS Baldwin House has applied for a Special Land Use Permit to construct a Special Purpose Housing Project, such application having been filed pursuant to Section 5.190 of the City Code, and

WHEREAS the land for which the Special Land Use Permit is sought is located at the northwest corner of the Chester/Merrill Street intersection, and

WHEREAS the land is zoned R-7 Multiple-Family Residential, which permits Special Purpose Housing, with a Special Land Use Permit, and

WHEREAS Section 5.190 (8) requires a Special Land Use Permit to be granted by the Birmingham City Commission at such time that any change takes place in the building, or improvements are made on the parcel of land, and

WHEREAS the applicant is requesting to construct Special Purpose Housing and related improvements on the site, and

WHEREAS the Planning and Historic District Commission reviewed the special land use permit request and recommended the following plan additions, modifications, and conditions be made a part of the special land use permit approval:

1. Coordinate future parking lot ingress/egress with the City Engineer and parking structure designers, with final approval to be by the City Commission.
2. The total number of available parking spaces shall include fifteen on-site and fifty-one in a parking structure on the Chester Street lot, or as may otherwise be provided by the City.
3. Coordinate dumpster location, as shown on the approved plan, dated August 19, 1987, with the Birmingham School District and the City of Birmingham Department of Public Services, with the preferred alternate location opening to the north into the Chester lot, or to the east into the Baldwin House; final approval to be by the City Commission.

WHEREAS the Birmingham City Commission has reviewed the Baldwin House Special Purpose Housing Special Land Use Permit application and standards for such review, as set forth in the Subparagraphs (1) and (8) of Section 5.190 of the City Code, and

Special Land Use Permit
Baldwin House Corporation
Page Two

WHEREAS except as herein specifically provided, the Baldwin House heirs, successors, and assigns, shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as may be subsequently amended.

NOW, THEREFORE, BE IT RESOLVED that the Birmingham City Commission determines the standards imposed under the City Code have been met and the Baldwin House application for a Special Purpose Housing Special Land Use Permit is hereby approved.

I, Judith A. Benn, City Clerk Designee of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Birmingham City Commission at its Regular Meeting held August 24, 1987.



Judith A. Benn
City Clerk Designee

Nov 14, 1988

CITY OF BIRMINGHAM
MICHIGAN

SPECIAL LAND USE PERMIT AMENDMENT

BALDWIN HOUSE CORPORATION

WHEREAS,

The Birmingham City Commission granted Baldwin House a Special Land Use Permit by resolution, dated August 24, 1987;

WHEREAS,

Baldwin House has applied for an amendment to its Special Land Use Permit to modify the previously approved on-site and off-site parking allocation;

WHEREAS,

Section 5.190 (8) requires the applicant to obtain a Special Land Use Permit from the Birmingham City Commission at such time that any change takes place in the building, or improvements are made on the parcel of land;

WHEREAS,

The Planning Board reviewed the special land use permit amendment request on September 28, 1988 and recommended the following plan additions, modifications, and conditions be made a part of the special land use permit approval:

1. Coordinate future parking lot ingress/egress with the City Engineer and parking structure designers, with final approval to be by the City Commission.
2. The total number of available parking spaces shall include eleven on site and sixty-nine in a parking structure on the Chester Street lot, or as may otherwise be provided by the City. The sixty-nine (69) spaces to be provided by the City will be without charge.

WHEREAS,

The Birmingham City Commission has reviewed the Baldwin House Special Purpose Housing Special Land Use Permit application standards for such review, as set forth in the Subparagraphs (1) and (8) of Section 5.190 of the City Code; and

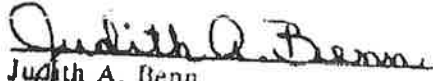
WHEREAS,

Except as herein specifically provided, the Baldwin House heirs, successors, and assigns, shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as may be subsequently amended, now, therefore, be it

RESOLVED,

That the Birmingham City Commission determines the standards imposed under the City Code have been met and the Baldwin House application for a Special Purpose Housing Special Land Use Permit Amendment is hereby approved.

I, Judith A. Benn, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Birmingham City Commission at its Regular Meeting held November 14, 1988.


Judith A. Benn
City Clerk

**CITY OF BIRMINGHAM
SPECIAL LAND USE PERMIT AMENDMENT**

BALDWIN HOUSE CORPORATION

WHEREAS, The Birmingham City Commission granted Baldwin House a Special Land Use Permit on August 24, 1987 and received on November 14, 1988 a Special Land Use Permit Amendment for changes to the Baldwin House property to modify the previously approved on-site and off-site parking allocation, such applications having been filed pursuant to Section 5.190 of the City Code;

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the west side of Chester Street south of Maple Road with the following legal description:

Beginning at a point on the south line of said Lot 17 located South 88° 05' West 13.65 feet from the Southeast corner of said Lot 17 as platted; thence South 88° 15' West 271.48 feet along the North line of Merrill Street to a point situated 9.13 feet Westerly of the Southeast corner of said Lot 13 as platted; Martin Street; thence North 88° 15' East 274.28 feet along said centerline of vacated Martin Street to the West line of Chester Street as widened; thence South 01° 47' 25" East 232.00 feet along said West line of Chester Street; thence South 43° 13' 48" West 5.65 feet to the point of beginning of this description;

WHEREAS, The land is zoned R-7 Multiple Family Residential, which permits special purpose housing with a Special Land Use Permit;

WHEREAS, Section 5.190 (8) requires a Special Land Use Permit to be considered by the Birmingham City Commission at such time that any change takes place in the building, or the use of the property is altered;

WHEREAS, Baldwin House Corporation has applied for a Special Land Use Permit Amendment to modify the previously approved site plan and design;

WHEREAS, The Planning Board on December 9, 1992 reviewed the Special Land Use Permit Amendment request and recommended that this Amendment be approved subject to specific conditions;

WHEREAS, The Birmingham City Commission has reviewed the Baldwin House Corporation Special Land Use Permit Amendment application and standards for such review as set forth in Subparagraphs (1) and (8) of Section 5.190 of the City Code; now, therefore, be it

RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met and the Baldwin House Corporation application for a Special Land Use Permit Amendment authorizing the modification of the site plan and design subject to the Planning Board approving the final design changes prior to the issuance of a building permit, engineering permit, department of public services approvals, or any other permits required at the time is hereby approved, be it further

RESOLVED, That the Baldwin House Corporation and its successors and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as may be subsequently amended.

I, Judith A. Benn, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on December 21, 1992.

Judith A. Benn
Judith A. Benn, City Clerk

PARKING AGREEMENT

THIS AGREEMENT made and entered into this 26th day of March, 1990, between the CITY OF BIRMINGHAM, a Michigan municipal corporation, of 151 Martin Street, Birmingham, Michigan 48012, hereinafter called the "City" and Baldwin House, a Michigan non-profit corporation, of 1669 West Maple Road, Birmingham, Michigan 48012, hereinafter called "Baldwin."

WITNESSETH:

WHEREAS, the City desires to encourage the development of housing for its elderly of low and moderate income;

WHEREAS, the City is the owner of the land described in Exhibit A attached hereto which, by prior agreement of the parties, the City intends to sell to Baldwin for the purpose of developing housing for the elderly of low and moderate income;

WHEREAS, Baldwin and North Cranbrook Associates, a Michigan partnership, have entered into a joint venture agreement to construct and operate such a housing development to be known as Baldwin House on the property described in Exhibit A;

WHEREAS, the City has agreed to furnish certain parking for this proposed housing development in its municipal parking structure known as the Chester Street Parking Structure;

WHEREAS, the parties wish to memorialize their agreement relative to the use of parking spaces in the Chester Street

Parking Structure by residents of Baldwin House, as well as the terms under which subsequent owners of the property may continue such use;

NOW, THEREFORE, in consideration of the agreements contained herein, the City and Baldwin agree as follows:

1. Commencing with the date that a certificate of occupancy is issued for the occupancy of the housing project known as Baldwin House, the City shall provide without charge sixty nine (69) parking spaces in the Chester Street Parking Structure for the exclusive use of Baldwin House tenants and their guests. The parking spaces provided shall be at such location or locations as the City may determine. The City shall furnish the sixty nine (69) parking spaces subject to the following conditions:

A. The City's obligation to furnish parking spaces as set forth above shall terminate and the City shall no longer be required to furnish such spaces free of charge upon the happening of any one of the following:

- i. The expiration of a period of thirty (30) years following the date on which the Certificate of Occupancy is issued;
- ii. The housing project known as Baldwin House is no longer a "qualified low income housing project" as currently

defined in Section 42 (g) of the Internal Revenue Code of 1988 or otherwise does not qualify under a then existing state or federal low-income housing program;

- iii. 75% of the 100 units located in the housing project known as Baldwin House currently designated for the elderly are not occupied or available for occupancy by either at least one person 55 years of age or older or elderly person(s) as defined by state law for housing purposes EXCEPT in the event the project is receiving federal funding in which case at least 75% of said elderly units are not occupied or available for occupancy by elderly persons as defined by the U.S. Department of Housing and Urban Development or its successor.

B. Upon termination of the City's obligation to furnish parking spaces without charge as provided for in "A" above, Baldwin or its successors and assigns, may purchase from the City the right to lease sixty nine (69) or fewer parking spaces in the Chester Street Parking Structure for the exclusive use of tenants of the Baldwin House project and their guests, subject to the following:

- i. Upon termination of the City's obligation to furnish parking spaces without charge, the City shall give the owner of the housing project written notice by certified or registered mail, return receipt requested, of such termination. Within thirty (30) days of receipt of said notice, the owner shall commence payment to the City of a monthly amount equal to the monthly charge made by the City to other users of the parking facility who lease on a monthly basis times the number of spaces which the owner anticipates that it shall desire to lease on a long-term

basis from the City as provided below. The owner shall further, within said thirty (30) day period, deliver to the City an opinion of counsel acceptable to the City, who is experienced in matters relating to the issuance of tax-exempt municipal bonds, to the effect that the leasing of such spaces as provided in this subparagraph "B-i" shall not impair the exclusion from gross income for federal income tax purposes of the interest on bonds issued by the City to finance construction of the Chester Street Parking Structure. Within one hundred twenty (120) days after the receipt of such notice, the owner of the housing project shall give the City written notice of its intent to acquire the right to lease a number of spaces, not to exceed sixty nine (69) or the number for which it is then paying rent, whichever is less, in the parking structure. Delivered with such notice shall be a certified check made payable to the City of Birmingham, the total of which shall be the sum of Fifteen Thousand Dollars (\$15,000.00) for each parking space which the owner desires to lease plus a sum equal to the per space capital expenditures incurred by the City in maintaining the parking structure subsequent to its completion multiplied by the number of spaces to be leased by the owner. Upon payment of such sum, the owner shall have the right to lease as many parking spaces (not to exceed 69 or the amount then being leased, whichever is less) as have been requested and paid for.

- ii. The City shall, subsequent to completion of construction of the Chester Street Parking Structure, annually notify the owner of the capital expenditures incurred with regard to the parking structure. Capital expenditures shall be determined in accordance with accepted accounting standards. In the event of a dispute as to classification of an expenditure as a capital expenditure which cannot be resolved between the City and the owner, the

matter shall be submitted to arbitration before 3 certified public accountants, one selected by the City, one by the owner and the third by the two representatives of the parties hereto. Selection by the parties and notice to the other of their respective representative shall be made within 30 days following written notice by one party to the other of its desire to arbitrate the matter. The third representative shall be selected within 60 days of the original request for arbitration. The decision of a majority of the representatives shall be made within 90 days of selection of the third representative and shall be binding upon the City and the owner. In the event a party fails to select its representative and notify the other in writing of the name of its designee within the time period provided for, the decision shall, in such event, be made by the representative of the party having timely selected and notified the other party of its representative. Said decision shall be made within 90 days of the date of the notice of one party to the other of its desire to arbitrate the matter.

- iii. As to all spaces for which Baldwin or its successors and assigns have paid, pursuant to "B-i" above, there shall be paid to the City monthly an amount equal to the monthly charge to other users of the parking facility who lease on a monthly basis.
- iiii. If, after paying for the right to lease parking spaces, as provided for in "B-i" above, the monthly rental charges are not paid as to any one or more space within sixty (60) days following the City's mailing a statement therefor, the owner's right to lease as set forth in this Agreement shall terminate as to that number of spaces for which the payment of monthly rental fees has been delinquent, provided that the owner may redeem the right to said space within 120 days following receipt of a notice

of delinquency by paying the City the entire delinquent amounts, plus interest at a rate of eight percent (8%) per annum.

C. In the event that Baldwin or its successors and assigns exercises its rights under paragraph B above to lease parking spaces from the City, the City shall be obligated to provide the same as described in paragraph B for so long as the Baldwin House project is used for residential housing and public parking is provided at the Chester Street location of the Chester Street Parking Structure.

2. This Agreement shall be binding on the parties hereto, their successors and assigns. The parties intend that this Agreement shall be recorded with the Oakland County Register of Deeds following sale of the property described in Exhibit A by the City to Baldwin.

STATE OF MICHIGAN)
COUNTY OF OAKLAND)ss.

The foregoing instrument was acknowledged before me
this 4th day of April, 1990, by A. Randolph Judd
and Judith A. Benn, Mayor and Clerk, respectively, of the City of
Birmingham, a Municipal corporation.

EXHIBIT A

ATTACHED TO AGREEMENT BETWEEN THE CITY
OF BIRMINGHAM AND BALDWIN HOUSE, DATED
THE 26th day of March, 1990

Land situated in the Northwest 1/4 of Section 36,
Town 2 North, Range 10 East, City of Birmingham,
Oakland County, Michigan, being parts of Lots 1,
5, 13 and 17, all of Lots 2, 3, 4, 14, 15 and 16,
also adjoining vacated alleys and adjoining South
one-half of vacated Martin Street of Castle
Addition to the City of Birmingham as recorded in
Liber 3 of Plats, Page 9, Oakland County Records,
more particularly described as follows:

Beginning at a point on the South line of said Lot
17 located South 88 degrees 15 minutes West 13.65
feet from the Southeast corner of said Lot 17 as
platted; thence South 88 degrees 15 minutes West
271.48 feet along the North line of Merrill Street
to a point situated 9.13 feet Westerly of the
Southeast corner of said Lot 13 as platted; thence
North 1 degree 30 minutes West 236.00 feet to the
centerline of vacated Martin Street; thence North
88 degrees 15 minutes East 274.28 feet along said
centerline of vacated Martin Street to the West
line of Chester Street as widened; thence South 1
degree 47 minutes 25 seconds East 232.00 feet
along said West line of Chester Street; thence
South 43 degrees 13 minutes 48 seconds West 5.65
feet to the point of beginning of this
description. Contains 1.489 acres.

(8279S)

Baldwin 46
RECEIVED
JAN 29 1990
CITY of BIRMINGHAM
PLANNING DEPARTMENT

CITY OF BIRMINGHAM

ORDINANCE NO. 1457

BALDWIN HOUSE TAX EXEMPTION ORDINANCE

AN ORDINANCE TO PROVIDE TAX EXEMPTION FOR A PROPOSED ELDERLY AND MULTIPLE FAMILY DWELLING PROJECT FOR PERSONS OF LOWER OR MODERATE INCOME TO BE FINANCED OR ASSISTED PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED, MCLA SECTION 125.1401 et seq.

THE CITY OF BIRMINGHAM ORDAINS:

SECTION 1. Short Title. this Ordinance shall hereafter be known and cited as "Baldwin House Tax Exemption Ordinance."

SECTION 2. Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its family and elderly persons of low and moderate income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346 as amended, MCLA 125.1401, et seq., and MSA 16.114(1) et seq.). The City is authorized by said Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under the Act at any amount it chooses not to exceed the taxes that would be paid but for the Act.

The City acknowledges that Baldwin House Limited Dividend Housing Association Limited Partnership, a Michigan limited partnership, (referred to herein as "Sponsor") has offered, subject to receipt of a federally-aided or Authority-aided mortgage or advance to erect, own and operate a housing development identified as Baldwin House in certain property located in the City of Birmingham, Oakland county, Michigan and more particularly described as follows, to wit:

Land situated in the Northwest 1/4 of Section 36, Town 2 North, Range 10 East, City of Birmingham, Oakland County, Michigan, being parts of Lots 1, 5, 13 and 17, all of lots 2, 3, 4, 14, 15 and 16, also adjoining vacated alleys and adjoining South one-half of vacated Martin Street of Castle Addition to the City of Birmingham as recorded in Liber 3 of Plats, Page 9, Oakland County Records, more particularly described as follows:

Beginning at a point on the South line of said Lot 17 located South 88 degrees 15' West 13.65 feet from the Southeast corner of said Lot 17 as platted; thence South 88 degrees 15' West 271.48 feet along the North line of Merrill Street to a point situated 9.13 feet Westerly of the Southeast corner of said Lot 13 as platted; thence North 1 degree 30' West 236.00 feet to

the centerline of vacated Martin Street; thence North 88 degrees 15' East 274.28 feet along said centerline of vacated Martin Street to the West line of Chester Street as widened; thence south 1 degree 47' 25" East 232.00 feet along said West line of Chester Street; thence south 43 degrees 13' 48" West 5.65 feet to the point of beginning of this description. Contains 1.489 acres.

to serve family and elderly persons of low and moderate income.

SECTION 3. Definitions.

A. Authority means the Michigan State Housing Development Authority.

B. Act means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan as amended.

C. Housing Development means a development which contains a significant element of housing for persons of low or moderate income and such elements of other housing and recreational, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for family and elderly persons of low or moderate income.

D. Lender means an entity which provides financial assistance to the Sponsor enabling it to participate in an Authority-approved housing financing program.

E. Mortgage Loan means the federally-aided or Authority-aided mortgage or advance to the Sponsor for financing of the Housing Development.

F. Sponsor means persons or entities which have applied for a federally-aided or Authority-aided mortgage or advance to the Sponsor for financing of the Housing Development.

G. Persons of Low Income shall have the same meaning as defined by the Authority pursuant to the Act or its rule-making authority.

H. Elderly means a family where the head of household is 62 years of age or older or a single person who is 62 years of age or older.

SECTION 4. Class of Housing Development.

It is hereby determined that Baldwin House is of the class of Housing Developments to which the tax exemption shall apply.

SECTION 5. Establishment of Annual Service Charge.

The Housing Development identified as Baldwin House and the property on which it shall be constructed shall be exempt from all property taxes from and after the commencement of construction for that

time period specified in Section 6 of this Ordinance. The city, acknowledging that the Sponsor, the Authority and Lender providing mortgage funding pursuant to an Authority approved financing program have established the economic feasibility of the Housing Development identified as Baldwin House in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Development for exemption from all property taxes and a payment in lieu of taxes as established herein, and, in consideration of the Sponsor's offer, subject to receipt of a Mortgage Loan as defined herein, to construct, own and operate said Housing Development, hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to 4% of shelter rents actually collected on the Housing Development less utilities. The benefits of the exemption granted under this section shall be utilized by the Sponsor of the Housing Development exclusively to benefit low income persons or families in the form of reduced housing charges.

SECTION 6. Contractual Effect of Ordinance.

Notwithstanding the provisions of Section 15(a) (5) of the Act, to the contrary, a contract between the City and the Sponsor with the Authority and Lender or its successors and assigns as third party beneficiaries thereunder to provide tax exemption is effected by enactment of this Ordinance.

SECTION 7. Duration.

This Ordinance shall remain in effect so long as the Mortgage Loan remains outstanding and unpaid or the Authority has any interest in the property, provided, (1) that construction of the Housing Development commences within one year from the effective date of this Ordinance; and, (2) there is filed within thirteen months of the effective date of this Ordinance the appropriate affidavit with the City Assessor accompanied by a certificate of authority that the project is eligible for the exemption, in the manner provided by Sec. 15(a)(1) of the Act. The above notwithstanding, this Ordinance shall automatically terminate upon the earlier of 30 years from the effective date of the Mortgage Loan or upon satisfaction in full of the Mortgage Loan.

SECTION 8. Severability

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any section or provision hereof other than the section or provisions so declared to be unconstitutional or invalid.

ORDAINED this 22nd day of January, 1990, to be effective upon publication.

A. RANDOLPH JUDD, MAYOR

JUDITH A. BENN, CITY CLERK

Published 2/1/90

4% of Shelter Rent - Verification

Local Unit Code
632020

2022 MSHDA Fee Annual Return

Issued under P.A. 346 of 1966, as amended.

The city, village or township treasurer must file a separate return for each school district in the local unit in which Michigan State Housing Development Authority (MSHDA) fee property is located. You may send one check for all districts.

**Mail form and payment
by August 1, 2023 to:**

Michigan Department of Treasury
P.O. Box 30760
Lansing, MI 48909-8260

1. Local Unit Name TREASURER, CITY OF BIRMINGHAM	2. County OAKLAND
Street Address PO BOX 3001, 151 MARTIN ST.	3. School District Name BIRMINGHAM CITY SCHOOL DIST
City, State ZIP BIRMINGHAM, MI 48012-3001	4. School District Number 63010
	5. Intermediate School District (ISD) Name OAKLAND ISD

PART A: State Share of MSHDA fees using 2021 Non-School Millage Rates

6. 1993 (not 2019) local school district operating millage rate (excluding debt)..... 6 27.7474 mills
7. Subtract 6 mills from the amount on line 6..... 7 21.7474 mills
8. Add the State Education Tax amount of 6 mills to the amount on line 7..... 8 27.7474 mills
9. Total 2021 millage rate for *all* purposes levied on non-homestead and other non-exempt property..... 9 51.9274 mills
10. Total 2021 millage rate for *local school district operating* purposes levied (excluding debt) on non-homestead and other non-exempt property..... 10 18.0000 mills
11. Add the State Education Tax amount of 6 mills to the amount on line 10..... 11 24.0000 mills
12. Subtract line 11 from line 9..... 12 27.9274 mills
13. **2021 Adjusted Millage Rate.** Add lines 8 and 12..... 13 55.6748 mills
14. **State share of MSHDA fees.** Divide line 8 by line 13 and enter the result to three decimal places..... 14 49.838 %

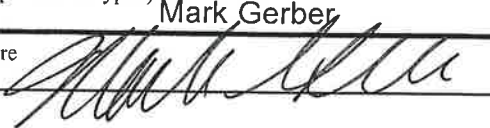
PART B: State Share of MSHDA fees using 2022 Non-School Millage Rates

15. Enter the millage rate from line 8..... 15 27.7474 mills
16. Total 2022 millage rate for *all* purposes levied on non-homestead and other non-exempt property..... 16 51.5668 mills
17. 2022 millage rate for *local school district operating* purposes levied (excluding debt) on non-homestead and other non-exempt property..... 17 18.0000 mills
18. Add the State Education Tax amount of 6 mills to the amount on line 17..... 18 24.0000 mills
19. Subtract line 18 from line 16..... 19 27.5668 mills
20. **2022 Adjusted Millage Rate.** Add lines 15 and 19..... 20 55.3142 mills
21. **State share of MSHDA fees.** Divide line 15 by line 20 and enter the result to three decimal places..... 21 50.163 %

PART C: Amount Due to the State

22. Enter the MSHDA fees collected by the treasurer between July 1, 2022 and December 1, 2022 and distributed **using 2021 non-school millage rates**, if any..... 22 \$ 47,124.81
23. Multiply line 22 by the percentage on line 14..... 23 \$ 23,486.07
24. Enter the MSHDA fees collected by the treasurer between July 1, 2022 and June 30, 2023 and distributed **using 2022 non-school millage rates**..... 24 \$ 42,591.08
25. Multiply line 24 by the percentage on line 21..... 25 \$ 21,364.97
26. **2022 MSHDA fees to be paid to State.** Add lines 23 and 25..... 26 \$ 44,851.04
27. Enter portion of line 26 amount previously paid to the State School Aid Fund since June 30, 2022..... 27 \$ 23,492.55
28. Subtract line 27 from line 26. Remit this amount to the State..... 28 \$ 21,358.49

Make check payable to State of Michigan

Treasurer's Name (printed or typed) Mark Gerber	Date 7/24/2023
Treasurer's Signature 	Treasurer's Telephone Number 248-530-1814

**Computation of Distribution of 2022 Payments in Lieu of Taxes
under MSHDA Act**

1. Local Unit Name CITY OF BIRMINGHAM	2. County OAKLAND
Street Address PO BOX 3001, 151 MARTIN ST.	3. School District Name BIRMINGHAM CITY SCHOOL DIST
City, State ZIP BIRMINGHAM, MI 48012-3001	4. School District Number 63010
	5. Intermediate School District (ISD) Name OAKLAND ISD

	<u>Millage Rates</u>	<u>Percent of Adjusted Total</u>	
2022 County*	<u>5.2617</u>	<u>9.512 %</u>	Distribute to County*
2022 City/Township	<u>13.3542</u>	<u>24.142 %</u>	Distribute to City/Township
2022 Authorities**	<u>.4960</u>	<u>0.897 %</u>	Distribute to Authorities**
2022 Village	<u>.0000</u>	<u>00.000 %</u>	Distribute to Village
2022 ISD	<u>3.1658</u>	<u>5.723 %</u>	Distribute to ISD
2022 Community College	<u>1.4891</u>	<u>2.692 %</u>	Distribute to Community College
2022 Local School District Debt and Sinking Fund	<u>3.8000</u>	<u>6.870 %</u>	Distribute to Local School District
2022 State Education Tax	<u>6.0000</u>	<u>10.847 %</u>	Distribute to State Treasurer
1993 Local School District Operating Less 6 Mills	<u>21.7474</u>	<u>39.316 %</u>	Distribute to State Treasurer
Adjusted Total Mills	55.3142	100.000 %	
Total Distribution to State Treasurer	27.7474	50.163 %	

* Does not Include any county-wide authorities.

** Includes any authorities, including county-wide authorities.

Prepared by: Bureau of Local Government and School Services, Michigan Department of Treasury

Filename: V:\ORTA\PARADOX\22CFA\22MSHDAT.RSL

Updated: 4/25/23 9:00 AM

Printed: 6/6/23 10:00 AM

BALDWIN HOUSE
2022 PILOT TAX CALCULATION SHEET
CITY OF BIRMINGHAM

08-19-36-126-019

42,591.08					
TAX AUTHORITY	RATE	%	DUE	PAID TO AUTHORITIES	DIFFERENCE
GEN	3.9686	0.071746	3,055.74		3,055.74
P/R	0.3431	0.006203	264.19		264.19
HCMA	0.2070	0.003742	159.38		159.38
ZOO AUTHORITY	0.0945	0.001708	72.75		72.75
ART	0.1945	0.003516	149.75		149.75
OIS-ALLOCATED	0.1881	0.003401	144.85		144.85
OIS-VOTED	2.9777	0.053832	2,292.76		2,292.76
OCC	1.4891	0.026921	1,146.59		1,146.59
OAKLAND TRANSIT	0.9500	0.017175	731.50		731.50
SUBTOTAL-COUNTY	10.4126	0.188244	8,017.51	0.00	8,017.51
BIRMINGHAM SCH DEBT	3.8000	0.068698	2,925.92		2,925.92
93 Oper-DUE STATE *	21.7474	0.393161	16,745.15		16,745.15
SET	6.0000	0.108471	4,619.90		4,619.90
CITY	10.7655	0.194625	8,289.34		8,289.34
LIBRARY	1.3142	0.023759	1,011.92		1,011.92
REFUSE	0.7641	0.013814	588.35		588.35
DEBT	0.5104	0.009227	392.99		392.99
TOTAL	55.3142	1.00000	42,591.08	0.00	42,591.08

* School operating rate does not change.

Baldwin House Birmingham
For the Year Ending December 31, 2022

	1/31/2022	2/28/2022	3/31/2022	4/30/2022	5/31/2022	6/30/2022	7/31/2022	8/31/2022	9/30/2022	10/31/2022	11/30/2022	12/31/2022
Shelter Rents	87,959.73	90,244.39	54,177.68	88,661.42	89,449.36	97,085.65	93,005.48	93,607.86	94,479.24	100,022.16	105,456.82	70,527.16
Payment Rate	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%
2022 PILOT	3,518.39	3,609.78	2,167.11	3,546.46	3,577.97	3,883.43	3,720.22	3,744.31	3,779.17	4,000.89	4,218.27	2,825.09
Cumulative	3,518.39	7,128.16	9,295.27	12,841.73	16,419.70	20,303.13	24,023.35	27,767.66	31,546.83	35,547.72	39,765.99	42,591.08

594
Bulldwin House

LIBER 13287 W 616

This form is issued under authority of Act 346 P.A. 1966. Execution of this form is required. Failure to execute this form may result in denial of a mortgage loan by the Michigan State Housing Development Authority.

REG/DEEDS PAID

0001 JAN.25.93 12:59PM

8739 MORTGAGE 41.00

DEPARTMENT OF COMMERCE

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

401 S. WASHINGTON SQUARE, 4TH FLOOR, PLAZA ONE BUILDING

LANSING, MICHIGAN 48933

REG/DEEDS PAID

0001 JAN.25.93 12:59PM

8739 RMT FEE 2.00

REGULATORY AGREEMENT - LIMITED DIVIDEND RENTAL HOUSING DEVELOPMENT

THIS AGREEMENT, made this 14th day of January 14, 1993, between BIRMINGHAM LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP, a Michigan limited partnership (the "Mortgagor"), whose address is 29777 Telegraph Road, Suite 2100-Onyx Plaza, Southfield, Michigan 48034-7651 and the MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY, a public body corporate and politic of the State of Michigan (the "Authority"), whose address is 401 South Washington Square, Lansing, Michigan 48933.

W I T N E S S E T H:

The Mortgagor, as the Owner in fee simple of the property described in Exhibit A attached to and made a part of this Agreement (the "Property"), has applied to the Authority for a mortgage loan in the amount of \$8,750,685.00 (the "Mortgage Loan") to aid the Mortgagor in the financing on the Property of a housing development for persons of low and moderate income, pursuant to the provisions of Act No. 346 of the Public Acts of 1966, as amended, (the "Act"), identified as Authority Development No. 899, (which development, including the Property and all assets of whatsoever nature situate, used in or owned by the business conducted on the Property, is referred to in this Agreement as the "Development"), in accordance with the Drawings and Specifications, as approved by an Authorized Officer of the Authority.

The Authority is unwilling to make the Mortgage Loan unless the Mortgagor agrees to be regulated in the manner set forth in this Agreement, and the Mortgagor is willing to execute and abide by this Agreement as a condition of obtaining the Mortgage Loan and receiving continuing benefits under the Act.

NOW, THEREFORE, it is agreed by and between the parties to this Agreement as follows:

1. Payment of Mortgage Loan. The Mortgagor shall promptly make all payments due under the Mortgage Note and Mortgage evidencing and securing the Mortgage Loan.

Legal 013-1

70/30 Tax Exempt Bond Program
12/90

OK. - TS

As per
Customer

41.00
2.00
Total

RECEIVED
MAR 16 1995
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

2. Income Restrictions and Rental Rates. Thirty percent (30%) of each of the Development's unit types (40 units) will be rent regulated to serve households whose incomes are no greater than Fifty percent (50%) of area median income, adjusted for family size. Rents (inclusive of tenant paid utilities) for these units will be restricted to Thirty percent (30%) of 1/12th of Fifty percent (50%) of area median income as established by HUD and based on an occupancy assumption of one person per bedroom for projects specifically designated as elderly projects, and one and one-half persons per bedroom for all other developments.

An additional Ten percent (10%) of each of the Development's unit types (13 units) will be rent regulated to serve households whose incomes are no greater than Thirty percent (30%) of area median income, adjusted for family size. Rents (inclusive of tenant-paid utilities) for these units will be restricted to Thirty percent (30%) of 1/12th of Thirty percent (30%) of area median income as established by HUD.

With respect to the remaining Sixty percent (60%) of the units, for the period ending at the later of achievement of sustaining occupancy or two years following the construction "cut-off" date, rents may not be raised by more than 5% over those rents approved in the Authority's mortgage loan commitment report (dated November 1, 1992), except that the rents may be increased by such additional amount as may be necessary to enable the Mortgagor to amortize a permissible mortgage loan increase to fund cost overruns or to pay a full limited distribution if approval is obtained from the Authority's Chief Market Analyst and its Director of Management and Reinvestment. In addition, for the period that the Authority's mortgage loan is outstanding, the average monthly rents on the units not restricted to occupants with incomes at or below 50% of median may not exceed 30% of 100% of the monthly median income for the area in which the Development is located.

The income of individuals and area median gross income shall be determined by the U.S. Secretary of Treasury in a manner consistent with determinations of lower income families and area median gross income under Section 8 of the U.S. Housing Act of 1937, including adjustment for family size. Until the Secretary of Treasury publishes these requirements, income of individuals shall be determined in accordance with the Section 8 regulations. Additionally, if Low Income Housing Tax Credit is awarded to the Development, the Mortgagor must agree to subject the property to the extended low income use commitment required by Section 42 of the Internal Revenue Code of 1986, as amended.

If the Authority's mortgage is prepaid, for so long as rental subsidies are available from any source by the Authority to subsidize the difference between the amount of rent payable by the tenants and rents being charged, the owner agrees to rent Thirty percent (30%) of the units to tenants with incomes no greater than Fifty percent (50%) of area median income and Ten percent (10%) of the units to tenants with incomes no greater than Thirty percent (30%) of area median income, and at rents no greater than the lesser of the market rents in the Authority's mortgage loan commitment report, adjusted to the then current date reflecting changes in the residential rent component of the Consumers Price Index, or rents then being charged for comparable market rate units in the Development.

3. Operating Budget and Annual Adjustment of Rental Rates. The Mortgagor agrees to submit to the Authority, not less than 60 days prior to the beginning of each fiscal year of the Mortgagor, a proposed schedule of rental rates and a proposed operating budget. The proposed operating budget shall set forth the estimated income of the Development and a detailed estimate of expenses, which will include separate documentation of administration expenses, operating expenses, maintenance expenses, utilities, hazard insurance, taxes and assessments, Mortgage Loan principal and interest, limited dividend payments, and deposits to the Reserve Fund for Replacement.

4. Reserve Fund for Replacement. The Mortgagor shall establish and maintain a Reserve Fund for Replacement by depositing monthly installments with the Authority, beginning with the commencement of amortization of the permanent mortgage loan. For the first year, the annual payment to the replacement reserve shall be \$13,100.00, payable in monthly installments of \$1,091.66. Subsequent to the first year's payments, monthly installments shall be made based upon an amount equal to 1/12 of 1.51% of the amount equaling the total Rents charged by the Mortgagor as such Rents are adjusted from time to time or unless a different payment schedule or amount is approved or directed in writing by an Authorized Officer of the Authority. Notwithstanding this requirement, the Authority shall consult with the Mortgagor regarding any increase in the funding of the Reserve Fund for Replacement which is higher than the required funding formula specified in this Agreement. Interest earned by such Fund, if any, shall become a part of such Fund and shall be subject to the disbursement procedures set forth in this Section. Such Fund, whether in the form of a cash deposit or reinvestment in obligations, the principal of which is guaranteed by the United States of America or any agency thereof, shall at all times be under the control of the Authority. Disbursements from such Fund, whether for the purpose of effecting replacement of structural elements and mechanical equipment of the Development or for any other purpose as may be deemed necessary to maintain the physical and fiscal integrity of the Development, may be made only after receiving the consent of an Authorized Officer of the Authority, which consent shall not be unreasonably withheld. Disbursements from such Fund for purposes of protecting and preserving the health, safety, and welfare of the tenants residing at the Development, shall be made upon the written direction of an Authorized Officer of the Authority. In the event of a default in the terms of the Mortgage, pursuant to which the Mortgage Loan has been accelerated, the Authority may apply or authorize the application of the balance in such Fund to the amount due on the Mortgage Loan as accelerated.

5. Operating Assurance Escrow. The Mortgagor must deposit into this escrow any net cost savings (to the extent such deposit does not jeopardize the tax exempt status of the bonds issued to fund the Development) and any remaining residual receipts after payment of costs and expenses permissible pursuant to the Authority's Cost Certification Guide. These amounts shall be the first source of funds drawn upon to meet any operating deficits.

In addition, 3/5ths of the Mortgageable Developer Fee will be held as an operating assurance (of the remaining developer fee, 1/5th may be disbursed at initial closing, and 1/5th at final closing). These funds may be released in equal amounts over a three-year period beginning after twelve months of successful operation (inclusive of cash on hand equal to at least one month's gross rent potential), following and not inclusive of any part of the construction loan period, provided, however, that if at any time an operating deficit is

Legal 013-3

70/30 Tax Exempt Bond Program
12/90

incurred, no funds will be released until the completion of another 12 months of successful operation. Depreciation shall not be considered an expense in calculating the Development's operational results.

To the extent that this escrow is funded from net cost savings or residual receipts, such funds will be deposited to the development's replacement reserve account after the holding period prescribed for the escrow provided from the mortgagor's funds.

6. Residual Receipts Account. The Mortgagor shall establish and maintain with a banking institution acceptable to an Authorized Officer of the Authority a Residual Receipts Account. The Mortgagor shall deposit in the Residual Receipts Account, Residual Receipts as defined in Section 7 of this Agreement within 120 days after the end of the annual or semiannual fiscal period within which such Residual Receipts are realized, unless this requirement is waived in writing by an Authorized Officer of the Authority. Funds on deposit in the Residual Receipts Account shall be invested and reinvested in obligations of the United States Government or any agency thereof or insured by an agency of the United States Government. Interest earned on funds on deposit in the Residual Receipts Account may be disbursed in accordance with the provisions of Section 23 of this Agreement.

Funds on deposit in the Residual Receipts Account at any time shall be characterized and employed as follows: the funds may be disbursed from the Residual Receipts Account, at such times and in such amounts as shall be determined necessary by the Mortgagor, including, without limitation, payments for real estate taxes, other taxes, maintenance, fuel, legal, audit, debt service, and required reserve deposits and other requirements to maintain the physical and fiscal integrity of the Development, provided, however, that no disbursement out of the Development's operating funds shall be made for management fees other than as set forth in the Management Agreement approved by the Authority, nor shall any disbursements be made to any partner of the Mortgagor except in accordance with the annual limited dividend payments to the extent and in accordance with the additional requirements provided in Section 23 of this Agreement. The Mortgagor will at all times retain within the Residual Receipts Account, a sum equal to one months' gross rent potential, as set forth in the Mortgage Loan Staff Commitment Report, which shall not be disbursed without the prior written consent of an Authorized Officer of the Authority.

7. Residual Receipts. Residual Receipts shall include all funds received by the Mortgagor in connection with the operation of the Development remaining after:

a. The payment of:

- 1) All sums due or currently required to be paid under the terms of the Mortgage Note;
- 2) All amounts required to be deposited in the Reserve Fund for Replacement;
- 3) All other obligations of the Development except to the extent that funds for payment of any such obligations are set aside or deferment of payment has been approved by an Authorized Officer of the Authority; and

b. The segregation of:

- 1) An amount equal to the aggregate of all special funds required to be maintained by or with respect to the Development, including such Operating Assurance Escrow and Supplemental Assurance Escrow as shall be approved by an Authorized Officer of the Authority;
- 2) All Occupant security deposits held;
- 3) All rental income received in advance of when due, which may be held in the general operating account.

8. Development Management. The Mortgagor shall provide for the management of the Development in a manner satisfactory to an Authorized Officer of the Authority. Any management agreement entered into by the Mortgagor involving the Development shall contain a provision that it shall be subject to termination, without penalty, with, or without cause, upon written request by the Authority addressed to the Mortgagor. Upon receipt of such request, the Mortgagor shall terminate the contract within a period of not more than 31 days and shall make arrangements satisfactory to an Authorized Officer of the Authority for continuing management of the Development. The management fee allowed to be paid to the management company by the Mortgagor shall be as provided for in the compensation section of the Management Agreement, said section being incorporated in and made a part of this Agreement.

9. Maintenance, Operation, and Inspection. The Mortgagor shall maintain and operate the Development so as to provide decent, safe, and sanitary housing and shall provide all the services, maintenance and utilities according to standards as required by the Authority. Prior to occupancy of any unit, the Mortgagor and the occupant shall inspect the unit and both shall certify that they have inspected the unit and have determined it to be decent, safe, and sanitary. The Mortgagor shall retain copies of such certificates for at least 3 years.

10. Payment for Services, Supplies and Materials. Payment for services, supplies, or materials shall not exceed the amount ordinarily paid for such services, supplies, or materials in the area where the services are rendered or the supplies or materials are furnished.

11. Inspections. The Property, equipment, buildings, plans, offices, apparatus, books, contracts, records, documents, and other papers relating thereto, shall at all times be maintained in reasonable condition for proper audit and shall be subject to examination and inspection at any reasonable time by the Authority or its authorized agent. The Mortgagor shall retain copies of all documents relating to the Development and the Property for at least three years, all or any of which may be subject to inspection and examination by the Authority or its authorized agents.

12. Books and Records. The books and records of the operations of the Property and of the Development shall be kept in accordance with the requirements of the Authority. The Mortgagor shall furnish such records, papers, and documents relating to the Property and the Development as the Authority may reasonably require from time to time.

13. Financial Reports. Within 120 days following the end of each fiscal year, the Authority shall be furnished with a financial statement for the Development audited by an Independent Certified Public Accountant in a form approved by the Authority. Such report shall be certified to by the Mortgagor.

14. Other Reports. At the request of the Authority, its agents, employees, or attorneys, the Mortgagor shall furnish monthly occupancy reports and shall give specific answers to questions upon which information is desired from time to time relative to the income, assets, liabilities, contracts, operation, and condition of the Property, occupants of the Development and status of the Mortgage Loan.

15. Deposits. All rents and other receipts of the Development shall be deposited in the name of the Mortgagor and the Development in an institution with regular banking offices located in Michigan whose deposits are insured by an agency of the United States Government and shall not be commingled with any other funds. The person or entity receiving funds of the Development shall immediately deposit such funds in such Development account, and failing to do so in violation of this Agreement, shall hold such funds in trust. Such funds shall be withdrawn only in accordance with the provisions of this Agreement for the payment of expenses of the Development, including all payments and escrow deposits due under the Mortgage Note and Mortgage evidencing and securing the Mortgage Loan and payments into the Reserve Fund for Replacements pursuant to Section 4 of this Agreement, for distribution pursuant to Section 23 of this Agreement, or for deposit into the Residual Receipts Account pursuant to Section 6 and 7 of this Agreement.

16. Income Restrictions/Occupancy Qualifications.

a. Thirty percent (30%) of each of the Development's unit types (40 units) will be income restricted to serve households having incomes no greater than Fifty percent (50%) of area median income, adjusted for family size. An additional Ten percent (10%) of each of the Development's unit types (13 units) will be income restricted to serve households having incomes no greater than Thirty percent (30%) of area median income, adjusted for family size. With respect to these units, income shall be determined by the Secretary of the Treasury in a manner consistent with determinations of lower income families and area median gross income under Section 8 of the U.S. Housing Act of 1937, as amended, and income of individuals shall be determined in accordance with the Section 8 regulations. Additionally, if Low Income Housing Tax Credit is awarded to the Development, the Mortgagor must agree to subject the property to the extended low income use commitment required by Section 42 of the Internal Revenue Code of 1986, as amended.

b. The total number of units to be rented to households with incomes no greater than Fifty percent (50%) of area median income shall be Forty percent (40%) of the Development's total units, rounded to the nearest whole number. One quarter of such units, rounded to the nearest whole number shall be rented to tenants with incomes no greater than Thirty percent (30%) of area median income, and the balance shall be rented to tenants with incomes no greater than Fifty percent (50%) of area median income.

c. In addition to Thirty percent (30%) at Fifty percent (50%) mentioned above, P.A. 346 of 1966, as amended, requires that in areas other than eligible distressed areas and for projects not specifically designated for elderly occupancy, Fifteen percent (15%) of the units be rented to tenants whose gross household incomes do not exceed One Hundred Twenty-Five percent (125%) of the greater of state or area median income, and that an additional Fifteen percent (15%) of the units be rented to tenants with gross household incomes not exceeding One Hundred Fifty percent (150%) of the greater of state or area median income. ("Household" and "gross income" for these purposes are defined in the Authority's General Rules.) For developments where the 125% and 150% standard applies, tenants whose income qualifies them for the Ten percent (10%) at Thirty percent (30%) standard, may also be counted towards meeting the two standards set forth in this paragraph. They may not, however, be counted towards meeting the Thirty percent (30%) at Fifty percent (50%) requirement.

d. The Mortgagor shall be responsible for determination of eligibility of persons and families and for the selection from among those determined to be eligible, and shall further be responsible for assuring that tenants have certified to the Mortgagor, on forms prescribed or approved by the Authority, total current family income. With respect to the Thirty percent (30%) at Fifty percent (50%), and to any additional units for which the Mortgagor may be claiming the Low Income Housing Tax Credit, the Mortgagor will make a determination as to income at least annually. The Mortgagor will obtain written evidence substantiating the information given on all certifications of income and will retain such evidence in its files for a period of at least three years.

17. Additional Occupancy Qualifications, Covenants Required by Regulations of the United States Department of Treasury, and Running with the Land.

a. The Mortgagor further covenants and agrees that once available for occupancy, each unit in the Development shall be rented or available for rental on a continuous basis to members of the general public until the end of the Qualified Project Period.

The Qualified Project Period is a period beginning on the first day on which at least ten per cent (10%) of the units of the Development are first occupied, and ending on the latest of:

- (1) the date which is fifteen (15) years after the date on which at least fifty per cent (50%) of the units in the Development are occupied; or
- (2) the first day on which no tax-exempt bond issued with respect to the Development is outstanding; or
- (3) the date on which any assistance provided with respect to the Development under Section 8 of the United States Housing Act of 1937 terminates.

The Mortgagor further covenants and agrees that during the Qualified Project Period, the minimum set-aside requirements of the 1986 Tax Reform Act will be maintained, namely, at least 20% ~~or 40%~~ (strike inapplicable reference) of the units in the Development shall be occupied or held available for occupancy on a continuous basis by individuals or families of lower income.

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70/30 Tax Exempt Bond Program
12/90

b. For the purpose of satisfying the foregoing requirements, the income of individuals and families and area median gross income shall be determined in a manner consistent with determinations of lower income families and area median gross income under Section 8 of the United States Housing Act of 1937, as amended (or, if such program is terminated, under such program as in effect immediately before such termination), and shall include adjustments for family size, except that the percentage of median gross income which qualifies as lower income shall be 50% ~~or 60%~~ (strike inapplicable reference). The determination of whether an individual or family is of lower income shall be made at least annually on the basis of the current income of the tenant. A tenant whose income met the foregoing requirements at the beginning of such tenant's occupancy of a unit in the project shall cease to be treated as meeting such requirement if such tenant's income exceeds one hundred forty (140%) percent of such requirement and after such event any vacant unit in the Development is rented to a new tenant whose income does not meet the requirements set forth above.

c. Since injury to the Authority would be irreparable and the amount of damages difficult to ascertain upon breach of the above covenants, the Authority shall be entitled to enforce through specific performance compliance with the use and occupancy restrictions set forth in subparagraphs (a) and (b) above, to the fullest extent permitted by law or equity.

d. It is the intent of the Mortgagor and the Authority that the use and occupancy restrictions contained in this Paragraph 17 be covenants that run with the land, pursuant to Act 346 of the Public Acts of 1966, as amended, and therefore binding on all the successors and assigns of the Mortgagor and the Authority.

e. These covenants shall survive a sale, transfer, or other disposition of the Development by the Mortgagor, or the repayment of the Mortgage Loan, but shall cease to apply to the Development in the event of involuntary noncompliance caused by fire, seizure, requisition, foreclosure, transfer of title by deed in lieu of foreclosure, change in federal law or an action of a federal agency after the date of issue of the bonds, the proceeds of which provided the funds for the Mortgage Loan, any of which prevent the Authority from enforcing the requirements, even though compensated by insurance, provided that the bonds allocable to the Development are retired within a reasonable period after such involuntary loss or substantial destruction. The covenants of the Mortgagor, however, shall survive a foreclosure, transfer of title by deed in lieu of foreclosure or similar event if at any time during the Qualified Project Period the Mortgagor or a related person (as defined in Section 147 of the Internal Revenue Code of 1986) thereafter obtains an ownership interest in the Development.

f. In order to enable the Authority to monitor the Mortgagor's compliance with these use and occupancy restrictions, the Mortgagor covenants and agrees that the Authority and its agents or employees shall be allowed to enter the premises during the normal business hours and inspect and audit all books and records pertaining to the Development.

g. The Mortgagor covenants and agrees to complete and send to the Authority an annual, or, if more frequent reports requested by an authorized officer of the Authority, at such greater frequency as may be requested, status report(s) in form and content acceptable to the Authority, which status report(s) shall demonstrate ongoing compliance with these use and occupancy restrictions.

h. The Mortgagor covenants and agrees that in the event it sells or otherwise transfers ownership of the Development, it will enter into such agreements with the purchaser or transferee as may be prescribed by the Authority which have the effect of causing such purchaser or transferee to be bound by these use and occupancy restrictions, as they may be amended or supplemented.

i. The Mortgagor agrees to evict any tenant or take such other corrective action as is determined by an Authorized Officer of the Authority necessary to comply with these covenants. To the extent necessary to preserve the tax-exempt status of the Authority's notes and bonds issued to finance the Development, the Authority shall have the right to take any and all action which it deems appropriate in order to rent any unleased or vacant unit in the Development.

j. The Mortgagor will submit with its annual budget a written report and certification evidencing compliance with the requirements of this Section.

k. The Mortgagor acknowledges that this Agreement is based upon the Treasury Regulations of the United States Department of Treasury as they exist on the date hereof and that the Treasury Regulations may be subsequently modified or interpreted by the federal government in a manner which the Authority believes is inconsistent with the covenants set forth herein. The Mortgagor agrees to comply with any additional covenant and restriction which the Authority believes, upon advice of counsel, is necessary to insure the tax-exempt status of the interest on the notes and bonds and which is communicated in writing to the Mortgagor, even though such covenant or restriction is not a part of this Agreement as originally executed; provided, however, that if counsel for the Mortgagor disagrees with the advice of counsel for the Authority, Mortgagor shall have the right at its own expense to proceed with obtaining a favorable ruling from the Internal Revenue Service or such court interpretation which Mortgagor deems advisable and in its best interest and the Authority agrees to cooperate fully with Mortgagor in this connection, so long as Mortgagor bears the Authority's expense in obtaining such ruling. In such event, such additional covenant or restriction shall be considered a material part of this Agreement as if it had been originally included herein.

18. Preference for Occupancy. Preference shall be given to the elderly, and persons displaced by urban renewal, slum clearance, or other governmental action.

19. Leases. All occupants shall be required to execute a lease in the form mutually agreed upon by the Mortgagor and the Authority.

20. Children. Except for a Development specifically designed for elderly occupants, in selecting occupants, the Mortgagor shall not discriminate against any persons or persons by reason of the fact that there are children in the family.

21. Time of Occupancy. The Mortgagor shall assure that there shall be no occupancy of any unit in the Development prior to the issuance of a Certificate of Occupancy by the appropriate local officials, and the issuance of the Authority's Permission to Occupy.

22. Prohibited Activities Without Approval. The Mortgagor agrees that it shall not, without the prior written approval of an Authorized Officer of the Authority:

a. Convey, transfer, or encumber any of the Property, or permit the conveyance, transfer or encumbrance of the Property, or any portion of the Property, except as provided in the Mortgage.

b. Assign, transfer, dispose of, or encumber any personal property of the Development, including rents, or pay out any funds, except for reasonable operating expenses and necessary repairs, including payments and deposits pursuant to the Mortgage Note and Mortgage evidencing and securing the Mortgage Loan and other deposits pursuant to other provisions of this Agreement, and for distribution pursuant to Section 23 of this Agreement.

c. Convey, assign, or transfer any beneficial interest in any trust holding title to the Property, or the interest of any general partner in a partnership owning the Property except as provided in the Mortgagor's partnership agreement, or any right to manage or receive the rents and profits from the Property.

d. Remodel, add to, reconstruct, or demolish any part of the Property or subtract from any real or personal property of the Development in excess of \$5,000.00.

e. Engage in any other business activity, including the operation of any other rental housing development, or incur any liability or obligation not in connection with the Development.

f. Require, as a condition of occupancy or leasing of any unit in the Development, any consideration or deposit other than the prepayment for the first month's rent plus a security deposit as allowed under the laws of the State of Michigan. Any funds collected as a security deposit shall be kept separate and apart from all other funds of the Development, in an interest bearing trust account, in a bank or other financial institution located within the State of Michigan, whose deposits are insured by an agency of the United States government. The sum of funds in such account shall at all times be equal to or exceed the aggregate of all outstanding obligations under such account. The deposit and withdrawal of these funds shall be governed by the provisions set forth in Section 5(j) of the Management Agreement, said Section being incorporated in and made a part of this Agreement. In lieu of the above, the Mortgagor may provide a bond which complies with all the requirements of Michigan law to guarantee payment of the security deposits.

g. Permit the use of the dwelling accommodations of the Development for any purpose except the use which was originally intended, it being understood and acknowledged by the Mortgagor that the qualification for tax exemption of interest on bonds or notes issued to finance this Development is dependent upon compliance with use restrictions arising out of the Internal Revenue Code and Treasury Regulations of the United States Department of Treasury.

h. Pay any compensation, directly or indirectly, including wages or salaries, or incur any obligations to any of the Mortgagor's officers, directors, stockholders, members, trustees, partners, beneficiaries under a trust, or to any of their nominees.

i. Enter into any contract or contracts for supervisory or managerial services to the extent compensation paid under the contract(s) shall be paid from Development income.

23. Distribution by the Mortgagor. The Mortgagor shall not make, nor shall any partner or owner of the Mortgagor or any person or entity having a beneficial interest in the Mortgagor, receive or retain any distribution of any assets or any income of any kind of the Development, without complying with the following conditions:

a. All distribution shall be made only:

- (1) with the approval of an Authorized Officer of the Authority; and
- (2) as of or after the end of an annual fiscal period upon submission and review by the Authority of an annual audit; and
- (3) after compliance with all terms of this Agreement; and
- (4) only as permitted by the laws of the State of Michigan. Payments allowable for the first year of the Development's operation are limited to 12% of the Mortgagor's equity, as determined by an Authorized Officer of the Authority, and thereafter, an increase of 1% each year is allowable, to a maximum return on equity of 25%. The return on equity shall be fully cumulative.

b. No distribution shall be made from borrowed funds, or for any ~~period prior to the Permanent Financing Date established by the Authority, or~~ when there is a default under this Agreement, or under the Mortgage Note or Mortgage evidencing and securing the Mortgage Loan.

c. Any distribution of any funds of the Development which the party receiving the funds is not entitled to receive under this Agreement, as determined by an Authorized Officer of the Authority, shall be held in trust separate and apart from any other funds.

d. The Mortgagor shall have complied with all outstanding notices of requirements for proper maintenance of the Development or has submitted to the Authority, a maintenance plan acceptable to an Authorized Officer of the Authority for implementing repairs and maintenance of items identified in the notice.

e. The Mortgagor further hereby agrees that for every \$3.00 in approved limited distribution payments, the Mortgagor shall expend an additional \$1.00 to provide new services or training for the low income households within

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70/30 Tax Exempt Bond Program
12/90

the Development or to provide rental assistance for additional very low income households in the Development. The specific uses of these funds must be approved in advance in writing by the Authority's director of Management and Reinvestment.

24. Equal Opportunity. The Mortgagor shall not, in the selection of families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, height, weight, sex, age (except for a Development specifically designed for elderly occupants), national origin, handicap, or marital status except as provided by law. The Mortgagor shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968 (as amended by the Fair Housing Amendments Act of 1988), Title VI of the Civil Rights Act, the Elliot Larson Civil Rights Act, and the Michigan Handicappers Civil Rights Act.

25. Marketing. The Mortgagor shall conduct the marketing of all units and the selection of families in accordance with the Authority-approved Affirmative Fair Marketing Plan, all regulations or rules relating to fair housing advertising and the applicable minimum set-aside requirements of the Internal Revenue Code, including any regulations published pursuant thereto, for very low income persons.

26. Specific Performance. Upon violation of any provision of this Agreement by the Mortgagor, the Authority may give written notice of such violation to the Mortgagor, by registered or certified mail, addressed to the address stated in this Agreement, or such other address as may subsequently, upon appropriate written notice thereof to the Authority, be designated by the Mortgagor as its legal business address. If such violation is not corrected to the satisfaction of an Authorized Officer of the Authority within 30 days after the day such notice is mailed or within such further time as an Authorized Officer of the Authority reasonably determines is necessary to correct the violation, without further notice the Authority may declare a default under this Agreement, effective on the date of such declaration, and the Authority may, in addition to those actions permitted under the Mortgage in the event of a default, apply to any Court, State or Federal, for specific performance of the covenants and agreements contained in this Agreement, for an injunction against any violation of such covenants and agreements, for the appointment of a receiver to take over and operate the Development, or for such other relief as may be appropriate, since the injury to the Authority arising from a default under any of the terms of this Agreement would be irreparable and the amount of damage would be difficult to ascertain. Notwithstanding anything in the foregoing to the contrary, the Authority may take possession of the Development, bring any action necessary to enforce the rights of the Mortgagor growing out of the Development's operation, and collect the rents and operate the Development in accordance with the terms of this Agreement until such time as the Authority in its discretion, determines that the Mortgagor is again in a position to operate the Development in accordance with the terms of this Agreement and in compliance with the requirements of the Mortgage Note and Mortgage evidencing and securing the Mortgage loan. The Authority's election to pursue any one or more of the above remedies shall not be construed to preclude or be a waiver of the Authority's right to pursue any of the other remedies with respect to the violation for which such remedy was pursued or with respect to any violation prior or subsequent to such remedy.

27. Insurance. The Mortgagor agrees that it will obtain and keep in force such insurance coverage as an Authorized Officer of the Authority may from time to time require. The policies evidencing such insurance shall be endorsed with a standard mortgage clause with loss payable to the Authority, shall be issued by companies qualified to do business in the State of Michigan and not unacceptable to an Authorized Officer of the Authority, and shall provide that the Authority shall be given 30 days advance written notice of the cancellation, expiration, or termination of the policy(s) or any material change in the coverage afforded under the policies. The originals of such policies shall be deposited with the Authority.

28. Assignment. The Mortgagor shall not transfer, assign, or pledge any right or interest in, or title to, any funds deposited by the Mortgagor with the Authority, or reserved by the Authority for the Mortgagor, without the prior written approval of an Authorized Officer of the Authority. As used in this instrument, the term "Authority" shall be deemed to include any persons to whom the Mortgage Note and Mortgage referred to above shall be assigned. This instrument shall be binding upon the parties to this Agreement and their respective successors and assigns.

29. Personal Liability of Mortgagor and Partners of Mortgagor. Nothing contained in the Mortgage securing the Mortgage Loan shall be deemed to be a release or impairment of any obligation of the Mortgagor contained in this Agreement.

Neither the Mortgagor nor any partner of the Mortgagor assume personal liability for payments and deposits due under the Mortgage Note and Mortgage evidencing and securing the Mortgage Loan, for deposits to the Reserve Fund for Replacement pursuant to Section 4 of this Agreement or for matters not under their control; except:

a. For funds or property of the Development coming into their hands which, by the provisions of this Agreement, they are not entitled to retain; and

b. For their own acts and deeds or acts and deeds of others which they have authorized in violation of the provisions of this Agreement.

30. Proceeds of Mortgage Loan. The Mortgagor covenants and agrees that:

a. It will use not less than 95% of the proceeds of the Mortgage Loan to provide a residential rental project and in connection with the Development will use this 95% of the proceeds of the Mortgage Loan to pay costs of the Development (regardless of the Mortgagor's status as an organization described in Section 501(c)(3) of the Internal Revenue Code or as any other entity exempt from Federal income taxation) which are chargeable by the Mortgagor to a capital account with respect to the Development for Federal income tax and financial accounting purposes or would be so chargeable either with a proper election by a taxpayer (for example, under Section 266 of the Internal Revenue Code) or, but for a proper election of a Mortgagor to deduct such amount, all in accordance with and to the extent required by Treasury Regulations Section 1.103-8(a). Such amount will be expended solely for costs paid or incurred subsequent to the date of the Authority's Resolution Determining Feasibility. Although the components of the Development include certain items of property that may not directly qualify as "qualified rental projects" under

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12/90

Internal Revenue Code Section 142(a)(7), such items are functionally related and subordinate items but of a character and size commensurate with the character and size of the items to which they relate. The Mortgagor shall, at the request of the Authority, furnish the Authority with copies of the Federal income tax returns of the Mortgagor.

b. The Development will be a residential rental project as it will consist of a building or structure or several proximate buildings or structures and facilities functionally related and subordinate thereto:

- (1) each containing one or more similarly constructed units (as defined in the Treasury Regulations) and facilities which are functionally related and subordinate to such units; and
- (2) all of the units of which will, on a continuous basis, be rented or available on a non-transient basis for rental to members of the general public.

c. The Mortgagor has incurred or will incur within six months of the date hereof a substantial binding obligation to commence the acquisition and construction of the Development, pursuant to which the Mortgagor is obligated to expend at least the lesser of (i) 2 1/2% of the principal amount of the Mortgage Loan or (ii) \$100,000. The Mortgagor will proceed with due diligence to complete the Development.

d. No portion of the proceeds of the Mortgage Loan will be used to provide any airplane, skybox or other private luxury box, any health club facility, any facility primarily used for gambling or any store the principal business of which is the sale of alcoholic beverages for consumption off the premises.

e. Less than 25% of the proceeds of the Mortgage Loan are to be used directly or indirectly for the acquisition of land used for other than farming purposes. None of the proceeds of the Mortgage Loan are being used for the purchase of land to be used for farming purposes.

f. No portion of the proceeds of the Mortgage Loan are to be used for the acquisition of any property (or an interest therein) the first use of which ~~property is not pursuant to such acquisition, unless the rehabilitation requirements~~ of Section 147(d) of the Internal Revenue Code of 1986, as amended, are met.

It is acknowledged that the provisions of this section and those of sections 17 and 31 are necessary in order to insure compliance with the Internal Revenue Code.

31. Prohibition Regarding Purchase of Authority Bonds. The Mortgagor (or any other related person as defined in Section 147 of the Internal Revenue Code of 1986, as amended) has not and shall not, pursuant to an arrangement, formal or informal, purchase the Authority's notes or bonds in an amount related to the Mortgage Loan.

32. Actions on Behalf of the Authority. Except as otherwise provided in this Agreement, the following officers of the Authority are authorized to give any approval or notice or take any action on behalf of the Authority in connec-

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70/30 Tax Exempt Bond Program
12/90

tion with the administration of this Agreement: the Executive Director, the Deputy Director/Chief Underwriter, the Director of Finance, and the Director of Legal Affairs. The term "Authorized Officer of the Authority" refers to these employees of the Authority when acting within the scope of their authority.

33. Severability. The invalidity of any clause, part or provision of this Agreement shall not affect the validity of the remaining portions of this Agreement.

34. Modification. This Agreement may not be altered, modified or amended except in writing signed on behalf of the Mortgagor and the Authority.

IN WITNESS WHEREOF, the parties by their duly authorized representatives, have executed this Agreement as of the day and year shown above.

WITNESS:

BIRMINGHAM LIMITED DIVIDEND
HOUSING ASSOCIATION LIMITED PARTNERSHIP,
a Michigan limited partnership
(Mortgagor)

Baldwin House, a Non-Profit
Housing Corporation,
By: a Michigan corporation

Its: General Partner

Charlene K. Johnson
Charlene K. Johnson

Carl V. Bryson
Carl V. Bryson

By: Lois L. Poston
Lois Poston

Its: President

Charlene K. Johnson
Charlene K. Johnson

Carl V. Bryson
Carl V. Bryson

And
By: Virginia K. Turner
Virginia K. Turner

Its: Secretary

Charlene K. Johnson
Charlene K. Johnson

Carl V. Bryson
Carl V. Bryson

By: Emanuel Ravet
Emanuel Ravet

Its: General Partner

MICHIGAN STATE HOUSING
DEVELOPMENT AUTHORITYCharlene K. Johnson
Charlene K. JohnsonCarl V. Bryson
Carl V. BrysonBy: Jeanne L. Peterson
Jeanne L. PetersonIts: Director of Legal AffairsSTATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

On this 14th day of January, 1993, before me, a Notary Public in and for said County, personally appeared Lois Poston and Virginia K. Turner, to me known, who being by me duly sworn, did say that they are the President and Secretary of Baldwin House, a Non-Profit Housing Corporation, a Michigan corporation, general partner of Birmingham Limited Dividend Housing Association Limited Partnership, a Michigan limited partnership, and that the within instrument was executed on behalf of the limited partnership by the authority of the Board of Directors of the corporation and that the corporation authorized the signing of the instrument on behalf and with authority of the limited partnership, and Lois Poston and Virginia K. Turner, acknowledged the instrument to be the free act and deed of the corporation, the limited partnership, and themselves.

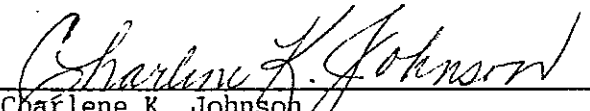
CHARLENE K. JOHNSON
Notary Public, Eaton County, MI
Acting in Ingham County, Michigan
My Comm. Expires June 4, 1995

Charlene K. Johnson
Charlene K. Johnson
Notary Public, County of _____
State of Michigan
My Commission Expires:

STATE OF MICHIGAN)
) ss.
 COUNTY OF INGHAM)

On this 14th day of January, 1993, before me appeared Emanuel Ravet, to me personally known, who being by me duly sworn, did say that he is a general partner of Birmingham Limited Dividend Housing Association Limited Partnership, a Michigan limited partnership, and that the within instrument was executed on behalf of the limited partnership by authority of its Partnership Agreement, and Emanuel Ravet acknowledged the instrument to be the free act and deed of the limited partnership and of himself.

CHARLENE K. JOHNSON
 Notary Public, Eaton County, MI
 Acting in Ingham County, Michigan
 My Comm. Expires June 4, 1995


 Charlene K. Johnson
 Notary Public, County of _____
 State of Michigan
 My Commission Expires:

STATE OF MICHIGAN)
) ss.
 COUNTY OF INGHAM)

On this 14th day of January, 1993, before me appeared Jeanne L. Peterson, to me personally known, who being by me duly sworn, did say that she is the Director of Legal Affairs of the Michigan State Housing Authority, and that the within instrument was signed on behalf of the Authority pursuant to a Resolution of the Authority, and Jeanne L. Peterson acknowledged such instrument to be the free act and deed of the Authority.

CHARLENE K. JOHNSON
 Notary Public, Eaton County, MI
 Acting in Ingham County, Michigan
 My Comm. Expires June 4, 1995


 Charlene K. Johnson, Notary Public
 County of _____, State of Michigan
 My Commission Expires:

Drafted by and when recorded return to:

Carl V. Bryson
 Michigan State Housing Development Authority
 401 S. Washington Square, P. O. Box 30044
 Lansing, MI 48933

Legal 013-17

70/30 Tax Exempt Bond Program
 12/90

EXHIBIT "A"

BALDWIN HOUSE
MSHDA Development No. 899

Legal Description

Land situated in the Northwest 1/4 of Section 36, Town 2 North, Range 10 East, City of Birmingham, Oakland County, Michigan, being parts of Lots 1, 5, 13 and 17, all of Lots 2, 3, 4, 14, 15 and 16, also adjoining vacated alleys and adjoining South one-half of vacated Martin Street of Castle Addition to the City of Birmingham as recorded in Liber 3 of Plats, Page 9, Oakland County Records, more particularly described as follows: Beginning at a point on the South line of said Lot 17 located South 88°15' West 13.65 feet from the Southeast corner of said Lot 17 as platted; thence South 88°15' West 271.48 feet along the North line of Merrill Street to a point situated 9.13 feet Westerly of the Southeast corner of said Lot 13 as platted; thence North 01°30' West 236.00 feet to the centerline of vacated Martin Street; thence North 88°15' East 274.28 feet along said centerline of vacated Martin Street to the West line of Chester Street as widened; thence South 01°47'25" East 232.00 feet along said West line of Chester Street; thence South 43°13'48" West 5.65 feet to the point of beginning of this description.

3009

Pt 19-36-126-019

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
 401 South Washington Square - 4th Floor Plaza One Building
 Post Office Box 30044
 Lansing, Michigan 48909

RECEIVED - MISCELLANEOUS RECORDING
 \$ 2.00 REMUNERATION
 5 SEP 95 3:05 P.M. RECEIPT# 49A
 PAID RECORDED - OAKLAND COUNTY
 LYNN D. ALLEN, CLERK/REGISTER OF DEEDS

**REGULATORY AGREEMENT/RESTRICTIVE COVENANT
 LOW INCOME HOUSING TAX CREDIT**

This Agreement, which shall serve as a Regulatory Agreement and have the full force of a restrictive covenant running with the land pursuant to Public Act 346 of the Michigan Public Acts of 1966, as amended, is dated as of this 28th day of December, and made by and between the Michigan State Housing Development Authority (the "Authority") as the low income housing tax credit agency for the State of Michigan and Birmingham LDHA LP ("Owner").

WHEREAS, the Authority is the designated housing credit agency for the State of Michigan with respect to the low income housing tax credit authorized by Section 42 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Owner is the Owner of certain real property, more particularly described in Exhibit A, attached hereto, and incorporated herein by reference; and

WHEREAS, the Owner has applied to the Authority for an allocation of Low Income Housing Tax Credit authority for a residential rental development which has been or will be constructed on the property; and

WHEREAS, the Authority has determined, pursuant to the provisions of Section 42 of the Code, that an allocation of credit to the Project in the amount of One Hundred Twenty-Four Thousand Five Hundred Eleven Dollars (\$124,511) is the maximum appropriate amount of tax credit authority to be allocated to the Project; and

WHEREAS, Section 42 (h) of the Code requires that the Authority and the Owner enter into an "extended low income housing commitment", which shall be recorded as a restrictive covenant in order for the Owner to be allowed the benefit of the Low Income Housing Tax Credit.

NOW, THEREFORE, in consideration of receipt of the benefit of the Low Income Housing Tax Credit, the promises and covenants set forth hereafter, the receipt and sufficiency of which are hereby acknowledged, the Owner and the Authority agree and covenant as follows:

1) All words and phrases used herein shall have the same meaning as defined in Section 42 of the Code.

2) The Owner is a limited partnership, duly organized and existing under the laws of the State of Michigan, and has all the powers necessary to conduct business and to execute and deliver this Regulatory Agreement.

Revised 11-93

1 RECEIVED

OCT 6 1995

4TC PROGRAM

OK - G.K.

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210

There is no action or proceeding in law or in equity now pending, or, to the knowledge of the Owner, threatened, which, if adversely determined, would materially impair the rights of the Owner to carry on business as contemplated by this Agreement, or would materially affect the Owner's financial condition.

3) The building(s), which do or will constitute a qualified housing project as defined in Section 42 of the Code, and regulations promulgated thereunder, the rental units of which will be rented or available for rental on a continuous basis to members of the general public throughout the length of this Agreement, shall be known as Baldwin House.

4) As a condition and in consideration of receipt of the Low Income Housing Tax Credit, the Owner, for itself and all successors in interest to the buildings in the Project, agrees to maintain the applicable fraction, as defined in Section 42 (c)(1)(B) of the Code and stated below, for the period of time this Agreement is in effect, that being the initial compliance period of 15 years, and for the extended use period of an additional 15 years (the longer of an additional 15 years or that period agreed to by the Owner in its application for the credit), in accordance with the provisions of Section 42(h)(6)(E) of the Code.

5) The applicable fraction, as defined in Section 42(c)(1)(B) of the Code, is 53/131, which fraction shall not be decreased during any taxable year of the extended use period, except in accordance with the provisions described below.

6) The extended use period shall be the period beginning on the first day in the compliance period, as defined in Section 42 of the Code, on which a building is part of the qualified low-income housing Project, and ending on the date which is 15 years (the longer of fifteen years or that period agreed to by the Owner in its application for tax credit) after the initial fifteen year compliance period.

7) This Agreement constitutes an "agreement" between the parties which shall be enforceable in the courts of the State of Michigan by the Authority as the state credit agency, or by any individual(s), whether prospective, present, or former occupant(s) of the Project, who meet the income limitation applicable to the Project under Section 42(g) of the Code, such individuals being express beneficiaries of this Agreement.

8) The Owner agrees to obtain the consent of any prior recorded lien-holder on the property to this agreement, and such consent shall be a condition precedent to the issuance of IRS Form 8609, or any document constituting a carryover allocation.

9) The Owner covenants and agrees that no portion of a building to which this agreement applies may be disposed of, transferred, or sold, unless the entire building is disposed of, transferred, or sold to such person.

10) The Owner covenants and agrees that the refusal to lease a unit in a building covered by this Agreement to the holder of a voucher or certificate of eligibility under §8 of the United States Housing Act of 1937 because of the status of the prospective tenant as such a holder is prohibited.

11) It is the intent of the parties that these covenants constitute use and occupancy restrictions and be covenants running with the land, binding on all successors and assigns of each party.

12) The Owner covenants that it will not knowingly take or permit any action that would result in a violation of the requirements of Section 42 of the Code and the provisions of this Agreement. Further, the Owner covenants to take any required action, including amendment of this Agreement, as may be necessary, in the opinion of the Authority, to comply with the Code and all applicable regulations, rules, and procedures of the Internal Revenue Service or the United States Department of Treasury.

13) The Owner hereby agrees that the representations and covenants set forth herein may be relied upon by the Authority.

14) The Owner covenants and agrees that it will maintain records at the Project and file reports with the Authority with respect to the occupancy and rent requirements and will permit the Authority to inspect such records at all reasonable times.

15) In the event the Authority determines that the Project is in non-compliance with the rent and occupancy requirements of Section 42 of the Code, and the Owner, upon notification by the Authority, does not take immediate steps to correct such non-compliance, the Authority shall notify the Internal Revenue Service, and shall be entitled to take such other actions as it deems necessary to enforce the provisions of the Code and this Agreement.

16) The Owner covenants and agrees to complete and send to the Authority an annual report, or, if more frequent reports are requested by an authorized officer of the Authority, status reports, in form and substance acceptable to the Authority, which shall demonstrate on-going compliance with the provisions of Section 42 of the Code.

17) The Owner covenants and agrees that, in the event it sells or otherwise transfers ownership of the Project or any part thereof, it will notify the Authority in writing and further, that it will enter into any such agreements with the purchaser or transferee as may be prescribed by the Authority, which have the effect of causing such purchaser or transferee to be bound by these restrictions, or any amendments thereto.

18) In the event of any conflict between the covenants contained in this Agreement and the requirements of the Code, the Code requirements shall prevail.

19) The invalidity of any clause or provision of this Agreement shall not affect the validity of the remaining portions thereof.

IN WITNESS WHEREOF, the parties have set their hands as of this 28th day of December, 1994.

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

Elizabeth A. Hunter
Elizabeth A. Hunter

By: Jeanne L. Peterson
Jeanne L. Peterson
Director of Legal Affairs

Jean M. Allison
Jean M. Allison

State of Michigan, Ingham County. The foregoing instrument was sworn and subscribed to before me this 28th day of December, 1994, by Jeanne L. Peterson, Director of Legal Affairs, Michigan State Housing Development Authority.

Charlene K. Johnson
Notary Public

Ingham County, Michigan
My commission expires
CHARLENE K. JOHNSON
Notary Public, Eaton County, MI
Acting in Ingham County, Michigan
My Comm. Expires June 4, 1995

BIRMINGHAM LIMITED DIVIDEND HOUSING ASSOCIATION
LIMITED PARTNERSHIP
(Owner)

By: Harvey Wolf
(Signature of "Owner")

Harvey Wolf, General Partner
(Typed Name of Owner)
29777 Telegraph Road, Suite 2100
Southfield, MI 48034-7651
(Address of Owner)

Martha L. Hunt
MARSHA L. HUNT
FRANKLIN FRAZIER
State of Michigan, OAKLAND County.

The foregoing instrument was sworn and subscribed to before me

this 16th day of AUGUST, 1995, by

HARVEY WOLF, CHIEF OPERATING OFFICER / GEN. PARTNER
(name) (title)

Marilyn Sue Ellison
, Notary Public

OAKLAND County, Michigan

My Commission expires: 4-8-96

PREPARED BY and RETURN TO:
Jeanne L. Peterson
Director of Legal Affairs
MSHDA
PO Box 30044
Lansing MI 48909

MARILYN SUE ELLISON
Notary Public, Oakland County, MI
My Commission Expires 04-08-96

2023 RENT SCHEDULE FOR MSHDA AND SECTION 8 PROGRAMS

Development	BALDWIN HOUSE	
MSHDA #	899	
County	Oakland	
MSHDA Asset Mgr.	Tera Poag	
# Family Units	26	
# Elderly Units	105	Section 8 - ACC Units
Total Units	131	

Program	70/30
Management Co.	BALDWIN HOUSE MANAGEMENT LLC
Non Section 8 Rent Effective Date	January 1, 2023
Section 8 Contract Rent Effective Date	
Section 8 HUD Project #	
HAP Anniversary Date (Section 8 only)	
HAP Contract Expiration Date (Section 8 only)	
HAP Anniversary Date (PBV only)	
Last Contract Rent Adj Date (PBV only)	
Rent Restriction (based on # in household)	No
Rent Restriction (based on 1.5 per bdsm)	Yes

Funding Sources	YES/NO	Expiration Date	RAD/ PB	TOTAL	
MSHDA	YES	1/1/25	Vouchers	0 BR	
Tax Credits	YES	7/16/05		1 BR	
HOME				2 BR	
1602				3 BR	
TCAP				4 BR	

[illegible]

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Serving the Community
for 100 Years

Volume 100 Number 88

Monday, March 20, 1978

Birmingham, Michigan

36 Pages

Twenty-Five Cents

Etc.Etc.
c.Etc.Etc.
Etc.Etc.Etc.E

BIRMINGHAM WILL have its literary taste buds whetted this fall when a children's authors book luncheon is planned.

Betti Kurtzman of the Birmingham Bookstore is the driving force behind the campaign. She is now trying to line up a grant from the Children's Book Council in New York.

Plans call for bringing in national authors of children's books to Birmingham for a luncheon and brief talk with local readers.

This will be the first of annual or twice-a-year luncheons with authors.

STARS ARE brighter in pairs. But sometimes things don't look so bright close-up. Kitty Carlisle and Rex Reed flew into Detroit together Thursday morning. Kitty Carlisle was picked up by members of Birmingham Town Hall and whisked away to enthrall an audience with tales of her life with Moss Hart. Poor Rex Reed. The Southgate Town Hall wasn't as adept at chauffeuring. He was last seen standing alone in the lobby of Metro airport by the Birmingham organizers who half-expected to see him in the same spot when they returned Miss Carlisle later in the evening.

IF OLD March doesn't take the hint which some ingenious Cranbrook students gave it last weekend, then it's really dense.

Carefully attached to the bare trees that line both sides of Academy Way into the grounds were clusters of paper oranges and lemons. Each tree had a dozen or so of the bright cutouts hanging from the branches.

And even with the snow flakes flying around, it proved that spring is here, at least in the minds of students who are already up to their breaking-out-from-winter type antics.

If things don't improve soon, maybe they ought to try again April 1.

IF YOUR telephone number begins with 644, 646, 647 or 549 you probably already know that something happened Thursday afternoon.

Between 3:05 p.m. when a fuse was inadvertently blown in the Birmingham office of Michigan Bell Telephone and 3:35 p.m. when the trouble was spotted and fixed, 420 repair reports were called in.

Although customers were unable to get a dial tone, they probably could have made calls, according to Charles Woodhead, manager of the Birmingham office.

The normal reaction when the dial tone is interrupted is that the telephones will not work, but it is important that customers report the trouble when possible instead of trying to use the telephones, Woodhead said.

DAVID PECK of Birmingham is a member of the Deadendz Rouge Rats D-Classe What Next Rock and Roll Band, which has just been signed to an exclusive contract by Random Records of Boca Raton, Fla. Peck, who attends Groves High School, goes by the name of "Lake Wurm" in the band. He plays the drums.

HEAD OF THE CRANBROOK ACADEMY of Art sculpture department, Michael Hall and his wife, Julie,

City, Baldwin House spar over site plan

By MARY CONNELLY-SZCZESNY

Birmingham and the Baldwin House Corp. have not yet agreed on what type of building will house senior citizens.

Baldwin House, selected as developers of the city's first senior housing in 1976, last week submitted a proposed site plan to the Birmingham Planning Board.

The board Wednesday night voted four-to-two to deny preliminary site plan approval to the housing developers.

However, Baldwin House architect Joseph Stout claims that the vote has no meaning because the developers received preliminary site plan approval in 1976.

At the crux of the issue is the height of the senior housing apartment building. The project is planned on the northwest corner of Chester and Merrill.

Planning board members Wednesday objected to the 70-foot building (about eight stories) proposed by Baldwin House.

"THE PLANNING board felt the building was too tall," explained city planner Bonnie Brodie. "The proposal would have needed a variance of at least 20 feet."

"They asked the architect to come

back with a building that more closely fits the zoning ordinance."

The Birmingham City Commission in July, 1976, voted that the land would be subject to a 50-foot height limitation (about six stories).

However, Stout maintains that the city commission had earlier in the year agreed to a 70-foot height and approved the building's concept.

A 70-foot height was written into the city's specifications when Birmingham advertised for bids, he said.

"The commission also approved Baldwin House's preliminary proposal. Then, they turned around and made it a violation."

STOUT ARGUED that reducing the building's height would decrease the number of apartment units available or increase the amount of land covered by the building. Under the current plan, 71 per cent of the site is green space.

"If we reduce the height to 50 feet, we could easily lose 30 of the 150 apartment units," he said. "But the commission has said it's concerned about maximizing the number of units."

"We're confused about what the city expects of us."

Baldwin House in 1976 proposed a 53-foot building.

The planning board granted preliminary site plan approval contingent on the developers obtaining variances

from the board of zoning appeals for height and setback requirements.

The board of zoning appeals in November, 1976, denied the Baldwin House request for variances, arguing that the building was too close to property lines.

Stout claims that the board of zoning appeals recommended increasing the property setbacks and adding to the height to retain the proposed 150 apartment units.

THE PLAN presented to the planning board Wednesday meets all setback requirements except in the rear where a nine-foot variance would be sought.

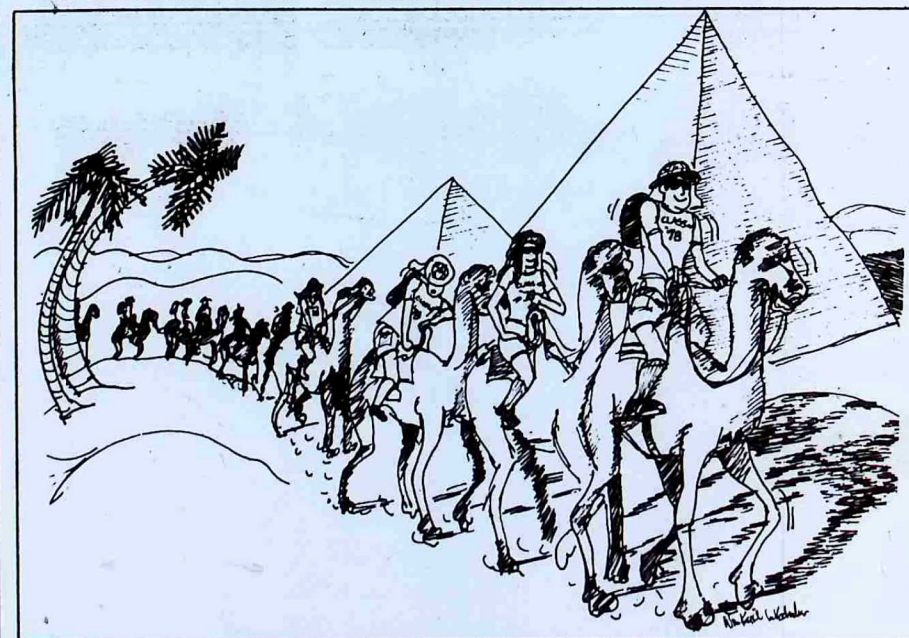
"You can't put 10 pounds in a five-pound bag," Stout maintained. "If you want to keep 150 units, setbacks, and an open yard, you have to go up."

"If you go back down, you either lose setbacks or the number of units." It was unclear late last week what move might come next.

Stout said Baldwin House was talking with its attorney about the legality of the city imposing the 50-foot height limit "retroactively."

He also said the corporation might go back to the board of zoning appeals and seek a height variance, bypassing the planning board.

The architect said Friday he was not drawing up new plans.



Long, bumpy bus rides to Washington D.C. or New York have given way to more exotic trips and transportation for many Birmingham area high school seniors.

Bon voyage Exotic trips entice student nomads

By JOE MARTUCCI

Remember when the senior class trip meant a long, bumpy bus ride to Washington, D.C. or New York?

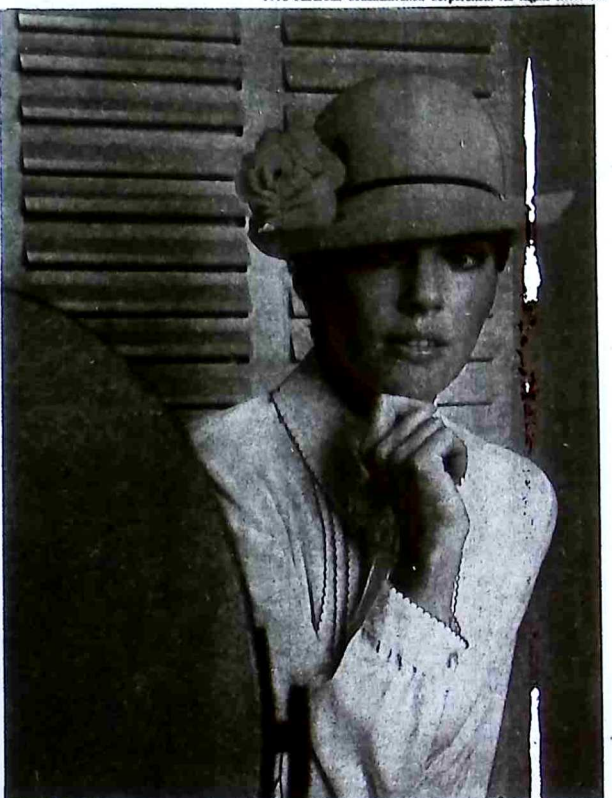
Well, things have changed. The traditional last fling for seniors in the nation's capital or the Big Apple has gone the way of the sock hop.

go together to a vacation spot. After all, it's probably the last time they'll be together as a group," she said.

LAST YEAR a group of Groves seniors flew to Hawaii for \$335. This year, the Bahamas are the destination. Students make all the travel arrangements and Mrs. Sharrard said "the idea is to make it a memorable experience."

not sanctioned by the school board. A faculty member goes along as a chaperone.

Mrs. Schlain said some school officials remain concerned about the possibility of a rash on one of the trips. "In the islands, alcohol and drugs are more readily available. It's a terrible job to be responsible for a group of teenagers," she said.



Thoughts of spring

Easter parades may be a thing of the past. But some traditions linger. Airy, flowered hats still evoke thoughts of spring's arrival and picturesque Easter Sundays with daffodils in bloom. Pat Höker of Bloomfield Hills, above, awaits Easter 1978 in her new finery. (Staff photo by Dick Kelley)

Special services mark Holy Week

Birmingham area churches are celebrating the Holy Week with some special events as well as services Holy Thursday through Easter Sunday.

The passion of Marcel Dupre's organ music "The Stations of the Cross," based on Paul Claudel's poems, will be interpreted in Christ Church Cranbrook by the University of Michigan Dance Co. and U-M organ department chairman Marilyn Mason Good Friday, March 24, at 8 p.m.

Traditionally performed on Good Friday, Dupre's "The Stations of the Cross" is a series of tableaux representing 14 scenes of the passion and death of Jesus. The 13 U-M dancers,

choreographed by Vera Eml ree, associate dance professor, and Carolyn Webb, graduate assistant, will perform on the church chancel. The role of Jesus is danced by various performers throughout the stations.

On Easter Eve there will be a Holy Baptism at Christ Church at 5 p.m. and an 8:30 p.m. Easter Vigil with Holy Communion. Easter services will be at 6:30 a.m., 8 a.m., 9:30 a.m. and 11:30 a.m. Christ Church Cranbrook is an Episcopal church located at Cranbrook and Lone Pine in Bloomfield Hills.

(Continued on page 6A)

Man is all right; name is all wrong

Although Shakespeare might not think there's much in a name, Franklin Clerk Sharon Riley and newly-elected trustee John Verdon disagree.

Verdon, one of three unopposed candidates for the village council, was elected Monday with 140 votes. But for a while Monday night, his election was uncertain even though he was running unopposed.

That's because his name was wrong on the ballot. It appears as James C. Verdon instead of John C. Verdon. More than 100 people voted for Verdon—including the candidate himself—without catching the slip-up, according to Clerk Riley.

Verdon's wife caught the error when she voted about 6 p.m. "I was teasing my husband, saying I wasn't going to vote for him. Then when I went into the booth and pulled the lever, I realized that I really hadn't voted for him."

elections officials later, she learned that all 140 votes can go to Verdon since there is no James Verdon living in Franklin.

Mrs. Riley accepted full responsibility for the goof.

"If it's anybody's fault, it's probably mine. I should have seen it. I can't blame anyone but me," said the clerk.

THE CLERK explained that she had submitted the wrong name to the printer. That's why it came back James instead of John.

"It's still up to me to proof-read it. I think it's because the printing is so small. I can't tell you how many people didn't catch it."

Mrs. Riley now sees some humor in the whole episode, particularly since it was an uncontested election. But on Monday night, she was not laughing. "I panicked at first. It scares you. You can't do anything about it, you

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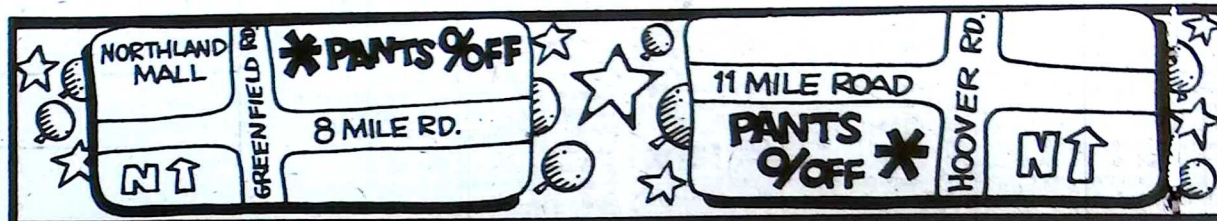
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B'ham seniors wait

Housing interest exceeds capacity

At least 281 Birmingham residents and 125 former residents want to live in the city's proposed senior citizen housing.

760 people responded to a five-question survey from the Birmingham Housing Commission about senior housing.

The surveys were mailed to 950 people who had written to the city clerk seeking information on the city's housing for the elderly.

Birmingham currently is considering building a 152-unit senior housing complex on the northwest corner of Chester and Merrill.

Voters April 3 will decide how such housing will be paid for, if built.

The updated housing survey results were turned over to the city commission Monday.

The survey indicates that 281 Birmingham residents and 461 non-residents who were questioned want to live in the city's senior housing. Of the non-residents responding, 29 per cent, or 125, said they had once lived in Birmingham.

Of the Birmingham residents questioned, 88 per cent were over age 65.

The survey indicates that 281 Birmingham residents who were questioned want to live in the proposed 152-unit senior housing complex.

ONE OF the chief reasons for the survey ordered in February was to obtain information on income levels of seniors in the community.

Income levels for Birmingham senior citizens particularly concerned city officials because residents will be given priority in the housing.

Income levels are considered important because housing in Birmingham's proposed senior apartment building will be rent subsidized. That means residents will pay about 25 per cent of their income for housing. The less income each resident has, the greater the subsidy which will be required.

According to the survey, the average annual income of Birmingham residents responding was \$8,229.

The survey also indicated that the 152 Birmingham respondents with the least income lived on \$4,901 annually.

HOW THE seniors' rent subsidies will be paid depends on voters April 3. Two financing questions face residents.

One question will ask if Birmingham should issue \$6 million in general obligation bonds to build and manage senior housing. City taxes would be levied to retire the debt and pay operating costs, including rent subsidies. The debt would be retired over 30 years.

The city would own the housing.

City officials currently estimate that a city-financed project will cost taxpayers up to two mills (\$2 per \$1,000 assessed valuation) annually.

The second choice open to voters is to approve financing through the Michigan State Housing Development Authority (MSHDA). No city tax money would be used under this plan.

The city would not own the building. Instead, the building would be privately owned by the non-profit Baldwin House Corp., which was chosen from eight bidders in 1976.

If voters approve MSHDA financing, the housing authority will loan money to Baldwin House for the project. Rent subsidies will be paid by the U.S. Department of Housing and Urban Development (HUD).

In order to obtain MSHDA financing for the senior housing, Baldwin House would also have to purchase 50 sub-standard homes in Birmingham. The homes would be renovated and rented to low and moderate income families.

Students get merit honor

Four students in area high schools are among 446 winners in the 14th annual National Merit Scholarship Program for outstanding black students.

Alexander E. Crosby of Detroit, a student at Roper City and Country School in Bloomfield Hills, and Shelly Prillerman of Detroit, a student

at Kingswood School Cranbrook, are both recipients of one-time-only \$1,000 National Achievement Scholarships.

Crosby's scholarship is sponsored by the Bendix Corp. and Miss Prillerman's by Motorola Foundation.

Sharon Morris of Detroit, a student at

Academy of the Sacred Heart in Bloomfield Hills, is the winner of a four-year achievement scholarship sponsored by the Abex Corp.

Anthony Carter of Southfield, a student at Southfield High School, has received the four-year Thomas J. Watson memorial achievement scholarship of International Business Machines Corp.

Winners of the corporate sponsored four-year scholarships receive between \$1,000 and \$6,000 or more for their college undergraduate study. The amount is individually determined.

Northfield Hilton boasts chain's best

"I love my job. I guess it's because I love to make people happy."

The speaker is Sue Miller, a waitress at the Wicker Works restaurant in the Northfield Hilton Inn in Troy.

Mrs. Miller was chosen recently as the outstanding employee of the Hilton Hotels Corporation for 1978. And the Hilton employs more than 27,000 workers.

"She's got a fantastic positive attitude," said Arthur N. Gimson, general manager of the Northfield Hilton, who submitted Mrs. Miller's name for the highest recognition given any Hilton employee. She was chosen outstanding Employee of the Month in January in 1977 and Employee of the Year for 1977 for the Northfield Inn. Her name was submitted to the final competition which consists of employees of the year from all 48 Hilton hotels.

"I'm just so excited about it," said Mrs. Miller. "I haven't had a good night's rest since I was told I won."

She has every reason to be excited. Her prize is an all-expense paid one week trip to Hawaii and \$500 spending money. She said her husband of 33 years will accompany her on the trip.

The woman whom Gimson describes as "always totally courteous," and who fellow workers say is "always willing to help," has been an employee of the Northfield Inn since its opened in March of 1976. Previously, she worked at the Detroit Statler, where she began as a hostess in March of 1946.

"It's nice to be able to meet people," said Mrs. Miller. "And there's something new going on every day. I love my job."

Apparently, the Hilton Hotel Corp. loves her too.

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editorial opinion

Baldwin House senior project should pass

Birmingham needs senior housing. On that point no one disagrees. Even those who oppose the proposed Baldwin House project admit that senior housing is needed. That was demonstrated again by a survey completed on March 15 by the Birmingham Housing Commission.

During the past two years, 950 people have written the city clerk and said they were interested in living in a senior housing project. Written questionnaires were sent to those people. Of the 760 responses, 742 (or 98 per cent) said they still wanted to live in senior citizen housing.

Accepting that the housing is needed, the question becomes: How should it be financed?

Birmingham voters will face two propositions concerning senior housing financing on April 3.

The first calls for authorizing the city to borrow up to \$6 million for senior housing. In the past few years the city commission has been struggling to try to keep up with inflation and increased demand for services. The city is not in the financial position to take on the obligation of a senior housing center.

This proposition should be rejected by the voters.

The second alternative is to construct a 152-unit senior center through Baldwin House Corp., a non-profit organization started by four Birmingham churches.

After listening to all of the arguments, this newspaper gives its unqualified support to the Baldwin House project. We believe the voters should vote "yes" on the second proposition.

WHY HAS such a fuss been created about the Baldwin House project? It has resulted in calling for a recall election of six of the seven members of the city commission.

The most frequent argument against the project is that somehow Birmingham will lose control. Inaccurate statements are made that the U.S. Department of Housing and Urban Development (HUD) and the Michigan State Housing Development Authority (MSHDA) will run the project. These are false.

HUD's involvement will only be to give money to MSHDA to assist tenants in paying their rent. MSHDA requires that Baldwin House purchase and rehabilitate 50 homes before senior housing is built. MSHDA will sell revenue bonds and permit Baldwin House to use this money to purchase homes and then rent them to people with low to moderate incomes.

But Baldwin House will make all the decisions on the senior project and the rental homes. This local group will decide who will live in the senior center and the rental housing. It has already said that top priority will be given to Birmingham residents.

ANOTHER ARGUMENT that has been raised is that Baldwin House will confiscate homes from people to use for the rental housing. This again is false. Baldwin House does not have confiscatory power. It can only purchase homes as they become available on the open market.

Thus, Birmingham residents will not be thrown out of their homes to help provide for the 50 rental housing units.

The grouping of the two propositions on the ballot will require special care by the voter. If the voter prefers the Baldwin House proposal, he must vote "no" on number one and "yes" on number two. Because of the ballot wording, it is not enough to ignore the first proposition and vote in favor of the second.

GRANTED, many confusing issues have been raised during the campaign. But they all come down to the fact that Birmingham needs subsidized housing for its seniors. Of the alternatives, Baldwin House is the best.

Thoughtful Birmingham residents will vote "no" on proposition one and "yes" on proposition two.

Fill a 101st slot

A new book purports to list "The 100—A Ranking of the Most Influential Persons in History." It is heavy on religious leaders, philosophers, political leaders, inventors (of paper, movable type, internal combustion engine) and discoverers (of land, microbes, penicillin).

One terribly important field of intellectual activity was entirely overlooked by author Michael Hart.

We refer of course to accounting by the double-entry bookkeeping system. As an intellectual tool, it is almost as important as the alphabet and far more important than genetics.

Without double-entry accounting, an administrator handling money would have no notion of how he is doing except by counting the cash in the drawer at the end of the day, and even that can be a poor system. Accounting provides us with balance sheets, which tell us what we have in assets matched with our liabilities and owners' equity.

HOW 'YOUNG' CAN YOU GET?



'We're gonna pull out and go it alone'

Politicians, like other human beings, can have fits of pique. So it was a week ago when Detroit Mayor Coleman Young threatened to withdraw the city he dominates from the seven-county Southeastern Michigan Transportation Authority if he can't have his way—a lengthy and costly subway—on rapid transit.

One could almost hear some suburban politicians cheering him on. Many would just as soon see Detroit pull out and stop dipping into suburbia's pockets for the taxes that provide the region's share of SEMTA funding. "Let Detroit tax Renaissance Center and build the blamed subway itself," they probably chorused.

Realistically, Young's not going anywhere without the rest of the region, and vice-versa. His is only the latest version of the child's play, "If I can't have my way, I'm going to pick up my marbles and go home."

REP. TOM BROWN (D-Westland) is playing the game with his bill in Lansing to create a county of "Suburbia" in western Wayne County.

Rep. Dominic Jacobetti (D-Negaunee) is playing the game with his bill to split the upper peninsula off from Michigan and create a state of "Superior."

The Oakland County Board of Commissioners, that seething band of statespersons, has been known to want to quit SEMTA.

Out in Macomb County, they don't want to know the Southeast Michigan Council of Governments exists. It's just as well Macomb doesn't join SEMCOG, though, because they would only gum it up.

Businesspersons in northwest Detroit have been known to squawk about the city administration's obsession with downtown. The Old Redford folks have talked about de-annexing from Detroit.

THE GAME is international in scope.

Scotland, a poor country except for the towns fortunate enough to distill good spirits, found itself with oil in the North Sea and has talked about splitting out of Great Britain to keep its oil.

Closer to home, the French-speaking province of Quebec, forgetting the French lost the Seven Years War of 215 years ago, is talking as if it won and wants to split from the rest of Canada. (Can you see it? One day students from Montreal University begin demonstrating against the United States' imperialistic presence in the St. Lawrence Seaway. The president agrees, with the advice and consent of the Senate, to turn over its interest in

Joe Martucci writes

'Democracy by default,' who is at fault?

Because I spend a lot of time covering local governments, I find uncontested elections and low voter turnouts disturbing.

I don't mean to sound pompous. And I don't especially relish sending out candidate questionnaires. It's just that I don't like democracy by default.

That's precisely what the village council elections in Beverly Hills, Franklin and Bingham Farms were this year. The elections will no doubt go down as the most uneventful in the history of those three villages.

Not only was voter turnout abysmally low, two of the three villages had uncontested elections. In the other community, Beverly Hills, only one challenger surfaced.

The dearth of candidates and voters is nothing new in Bingham Farms. Last year, the tiny village couldn't even muster a candidate for village president—one had to be appointed after the election. This year the assessor's post was filled by write-in.

But that hasn't been the case in Beverly Hills and Franklin. Elections there usually arouse some



Tim Richard

the seaway to the Nation of Quebec, and the Eisenhower lock is renamed for Montcalm or DeGaulle.)

Egypt and Syria once formed the United Arab Republic, but Syria got sore after a few years and they're separate nations again.

Nigeria and Pakistan have had wars over separatist movements within their borders in only the last decade.

Being isolationist and provincial—which is another way of saying "community-minded"—is rampant.

SEPARATION MOVEMENTS are rarely successful. To pull it off, you have to have a major outside ally.

A rule book for teacher

I ran across an item in the Marshall (Minn.) Messenger, which showed what school teachers agreed to when they signed their contracts with local boards in 1923.

Quite a few old-timers will remember these points vividly and know they were true—and, of course, quite different from nowadays.

The story didn't say what salaries were, but it was less than \$100 a month. But here are the points a schoolmarm agreed to in her contract:

- "1. NOT TO get married. (This contract becomes null and void immediately if the teacher marries.)
- "2. Not to keep company with men.
- "3. Be home between the hours of 8 p.m. and 6 a.m. unless in attendance at a school function.
- "4. Not to loiter downtown in ice cream stores.
- "5. Not to leave town at any time without permission of the chairman of the board.
- "6. Not to smoke cigarettes. (This contract becomes null and void immediately if the teacher is found smoking.)
- "7. Not to drink beer, wine or whiskey. (This contract becomes null and void immediately if the teacher is found drinking beer, wine or whiskey.)
- "8. Not to get in a carriage or automobile with

Panama tried several times to split from Colombia but was unsuccessful until it got support from the bold Teddy Roosevelt and the then-bold America, interested in building a canal.

West Virginia was unable to part company with Virginia until the Civil War. If the Confederacy had been successfully established, one wonders if there would have been a West Virginia.

Mayor Young has no power to pull Detroit out of SEMTA, an agency created by state law. On the other hand, if Young were willing to see western Wayne County split away as the price for separation, he might find himself a deal.

Both Young and Rep. Brown might approach Jacobetti—before "Superior" pulls out, of course—and cut a deal.

Maybe the ultimate answer will be that we should disintegrate the state and 83 counties and just be 2,000 separate cities, villages and townships—each with its own local government, its own bus system, its own air pollution control rules, its own water pollution standards, its own industrial parks.

"Okemos Township for the Okemos Townshippers!"

Eccentricities

by HANK HOGAN



any man, except her brother and father.

- "9. Not to dress in bright colors.
- "10. Not to dye her hair.
- "11. Wear at least two petticoats.
- "12. NOT TO WEAR dresses more than two inches above the ankles.
- "13. Keep the schoolroom neat and clean. (a) Sweep the floor at least once daily. (b) Scrub the floor at least once weekly with hot water and soap. (c) Clean the blackboards at least once daily. (d) Start the fire at 7 a.m. so the room will be warm by 8 a.m."

After reading the list, one wonders if the present day schoolmarm could survive without isolating most of the items on the list.

Will the 1978 contracts seem as ridiculous 50 years from now?

WHICH STORY Franklin residents believe probably depends on which faction they support. What's troubling is that the village faces some key issues in the next few years, and the election was still decided by default.

For one thing, a study of the police department is underway. No one knows where that might lead. There's also the ever-present fight with developers.

The village still lacks a sewer system, and a study of that is also being made. When a decision on that is due, hundreds of people will complain about cost and long-range effects.

But where were these people last Monday?

Things are usually much quieter in Beverly Hills, but two years ago 32 per cent of the eligible voters cast ballots. This year it was 11 per cent—one-third as many. There were more candidates in 1976, too, 10 compared to eight this year.

The difference may be that last time around there was a 2.25 mill tax increase on the ballot. If there's one thing that's sure to bring out the voters, it's a proposed tax hike.

Lacking any such issue this year, both the candidates and the voters failed to get involved.

It shouldn't take the specter of higher taxes to generate interest. Unlike the other two villages, Beverly Hills holds elections only every two years instead of annually. You would think that would make more people sit up and take notice.

Council President Thomas Kauchec said recently that the 11 per cent turnout was nothing to be ashamed of. Most other villages in the state have turnouts of only five or six per cent, he said.

That may be true, but a decrease of tax on 32 to 11 per cent should be of concern to someone. Why should 11 per cent decide for the rest?

Maybe things will change. If not, would complainants should look to themselves before picking a village official to task. (Joe Martucci is a staff writer for the Birmingham-Bloomfield Eccentric.)

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The Eccentric
Birmingham-Bloomfield Edition

Nick Sharkey
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Birmingham, Michigan 48012
(313) 644-1100

John Reddy, General Mgr.
Thomas A. Flordan, Executive Editor

George J. Hagan, Advertising Director, Fred Wright, Circulation Mgr.

a poor system. Accounting provides us with balance sheets, which tell us what we have in assets matched with our liabilities and owners' equity

But that hasn't been the case in Beverly Hills and Franklin. Elections there usually arouse some

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OAE

The reason for the low turnout is obvious. In both 1976 and 1977, there were twice as many candidates as seats available. This time there were three candidates running for three trustee seats and only one for council president—no contest. All there was a hotly-debated ballot proposal last year giving voters the final say on redistricting in the village. But even without a ballot issue, one would think that a politically active place like Franklin would have plenty of candidates. There seems to be two schools of thought on the lack of interest. Some people say most village residents are happy with the current government and see no need for change. Others have told me the opposite is true. They say that since the "old guard" took a licking last year, there's been an undercurrent of discontent. Lacking power, followers of the "old guard" have decided to wait until the current council makes a big mistake. Then they'll resurface.

there's one thing that's sure to bring out the voters. It's a proposed tax hike. Lacking any such issue this year, both the candidates and the voters failed to get involved. It shouldn't take the specter of higher taxes to generate interest. Unlike the other two villages, Beverly Hills holds elections only every two years instead of annually. You would think that would make more people sit up and take notice. Council President Thomas Kauchec said recently that the 11 per cent turnout was not going to be ashamed of. Most other villages in the state have turnouts of only five or six per cent, he said. That may be true, but a decrease of 11 to 32 to 11 per cent should be of concern to someone. Why should 11 per cent decide for the rest? Maybe things will change. If not, would a complainant should look to themselves before fixing a village official to task. (Joe Martucci is a staff writer for the Birmingham-Bloomfield Eccentric.)

From our readers

The real problem

Editor:

I would like to take issue with a letter recently published which contains some misleading information about the senior housing project contemplated with MSHDA funding.

A statement from the letter read that in order to accomplish the senior housing project with MSHDA financing, residents of the city will be evicted from their homes.

That is totally untrue. Rather than removing homes from the market, you will find that the real situation is one of opening up the market.

The reasons for the above statement are as follows:

1. Because of the age of most individuals needing senior citizen housing, you will find a greater number of single elderly than couples. 2. Because Birmingham still is mainly a community of homeowners rather than renters, most of these seniors will in all probability be moving from a home which they presently own.

So you are in reality talking about the possibility of opening up 150 homes to young families.

In a city with an ever-increasing age of its average population and an ever-decreasing school enrollment, we are approaching a very delicate balance between an aging and a healthy community.

IT ALSO IS important to remember that a good share of this released housing will be in areas where it is most needed by young families. But because of limited income on the part of some of our seniors, a portion of this housing also is going to be housing in need of rehabilitation.

There we approach another problem.

Because of the demand for housing in the City of Birmingham, the cost of purchasing this property at its presently inflated value often prices the cost of any major rehabilitation beyond the economic abilities of young families.

The revitalization of Ann Street was really based on two major factors—the interest of the young people and their hard labor, but also on the availability of HUD 312 loans and grants which made this recovery economically feasible.

When the MSHDA requirements for subsidized family housing were made known, my concern was, is it possible to take this requirement and use it to help the people of our city and some of our older neighborhoods. So the stipulation was made in the contract that in

order to provide the family portion of the housing, homes in need of substantial renovation be purchased, rehabilitated and maintained.

This housing may then be rented to seniors who are unable or do not wish to reside in a senior facility. Families who live or work in our community, who for a time need help, will be the substantial thrust of this form of housing. But beyond all that, this housing will be rehabilitated and maintained and taxes will be paid. Also, as in the HUD 312 loan program, a neighborhood can be saved.

FINALLY, IT IS deemed to be the responsibility of every community to address the housing needs of its people. For too many years, we have not taken this responsibility seriously. Perhaps it is better to address those needs now, while we still may shape our own program, rather than turning away and having this responsibility taken over for us by federal and state agencies. For we are no longer going to be allowed by both federal and state agencies to ignore this responsibility.

Because the people of this community have requested a vote on how to meet this responsibility, the decision will be up to you, the voter to make, or to avoid, in the April election.

ANN DROPIEWSKI,
Commissioner,
City of Birmingham

Maplemania (cont.)

Editor:

I would like to express my greatest appreciation towards John Bozzo for writing his sports column, "Penalties and Points," on "Maplemania." The article showed how typical sports fans really are.

When the Seaholm basketball team had a long string of losses to their name, surely nobody wanted to come and see them get blown away in the districts. But when the Maples won their first game against Rochester, people showed up for the second games against Rochester Adams.

Naturally, no one wants a loser. As to the turnout for the district playoff between Seaholm and Andover, I must strongly disagree with Bozzo as it being a "sad thing."

I think the 32 young men on the Seaholm swim team would have been over-elated to get just one-fourth of the fans for the SMA swimming championship that same Friday night. While the larger number of fans from the other SMA schools, along with the meager crowd from Seaholm, cheered their

teams on at Kimball High School, coach Mike Heick's Seaholm swim team quite handily disposed of all of the teams in the SMA.

Runner-up Kimball was in the neighborhood of 200 points behind the Maples. Perhaps this should have been "Maplemania."

TIM EMERSON,
Birmingham

Reduce budget

Editor:

I am taking this means of letting the taxpayers of Bloomfield Township know what I think about the proposed township budget on which a "hearing" was held this week.

First of all, I should like to congratulate the Eccentric on recognizing that because of escalating property values and thus greatly increased income, the township budget is out of hand and should be rejected. The minds of the township board or the predominant members thereof already are made up ahead of time, so, except for personal gratification, the hearing is of no value.

In some townships, voters do have the right to change the budget and vote salaries of the full-time employees, but in this "enlightened" township, as informed as I am about what takes place, I do not know what the exact salaries of any of the paid employees are, and they are not included in the budget.

An examination of the budget shows that, contrary to what has been asked for several years by myself and others, there is no comparison with what was spent last year. All that is shown for the first time is the items which were budgeted last year and, as with all governmental budgets, this means nothing as budget items are shifted at the whim of the board.

THERE IS NO mention of the exact surplus being carried over. My best information leads me to believe that this is a very sizeable amount. The budget is, as usual, an extremely poor example of what municipal budgeting should be. New accounts are constantly being set up or new names given to old accounts so that it is impossible to check on what they are or how they compare with previous years.

Moreover, there is virtually no explanation of what the various items in the budget constitute.

The implication that this bloated budget will not sustain the present level of road maintenance is in my

opinion utterly fallacious. Certainly, no new millage can be justified when large surpluses are being run, most of which is coming from sources such as revenues from the state and federal government. Instead of increasing millage, it should be reduced, and could be if the board cared at all.

It is clear the present supervisor is primarily interested in seeing how much money he can spend on increased fringe benefits and questionable expenditures for fire and other types of equipment.

It is time the taxpayers of Bloomfield Township woke up to what is happening as the Eccentric pointed out. It also is time that they get a change of administration. There are good signs in the country that a taxpayer revolt is at hand.

JOHN H. KING,
Bloomfield Hills

Confusing issue

Editor:

I read with interest and alarm the article "Hills transfer unfair to 6th graders, parents say" in Thursday's edition.

Being one of the "two other concerned parents" mentioned in the article, I feel I must write to clarify some points for your readers.

The heading was grossly incorrect and should have read "Walnut Lake Hills transfer unfair, parents say."

As a resident of the subdivision, I speak for many parents both here and in other subdivisions who feel that moving our children out of Lone Pine School is totally unnecessary and unimportant in relation to the overall numbers needed either to relieve overcrowding at Lone Pine or fill diminishing enrollment at Conant.

Our purpose was to show the board that more than half of the parents of children now in fifth grade, and who would be immediately affected by a sixth grade alternative, are not opposed to such a move providing it met with the approval of these parents.

Perhaps, in a way, the article has helped our cause. If a reporter, whose job it is to take only pertinent and meaningful facts and record them for the general public's understanding, can become so confused during a controversial school board meeting, imagine the confusion of the rest of us.

MARY JO WOLFE,
Bloomfield Hills

Every General Motors car on the road today has some feature on it that is a product of 74 year old John Dolza's work. As a young immigrant he answered a Want Ad placed by Buick, started as a draftsman and eventually rose to asst. chief engineer.

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at 14 Mile Rd. - 851-2212

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at Middlebelt - 522-2390

IRVING
Cherry Hill/Henry Ruff - 728-3131

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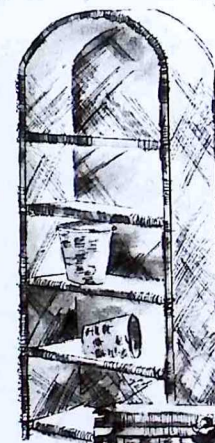
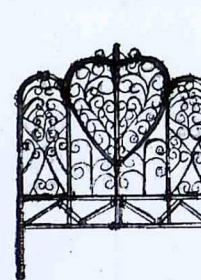
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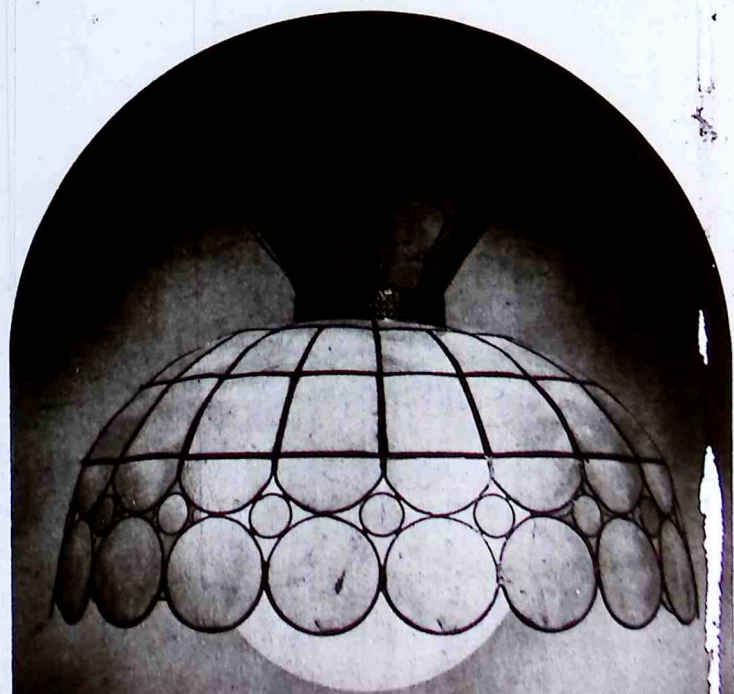
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Volume 100 Number 90

Monday, March 27, 1978

Birmingham, Michigan

28 Pages

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The Eccentric

Birmingham-Bloomfield Edition

Etc. Etc. c. Etc. Etc. Etc. Etc. Etc. E

COMEDIAN DANNY

THOMAS has often publicly and privately thanked John and Ethel Bekolay of Beverly Hills for their work for ALSAC and St. Jude Children's Research Hospital in Memphis.

This has been Thomas' special charity ever since a prayer was answered many years ago. The Bekolays, too, had a commitment when a daughter contacted leukemia and later recovered.

But of all the thanks Thomas has given the local couple, none was as moving as when he appeared at Vasu Funeral Home to attend the Rosary service for John Bekolay who died Tuesday.

Friends say Thomas flew in from California when he heard the news.

A DELEGATION of Seaholm High School students attended a model United Nations in Washington, D.C. in February. They returned to their hotel one evening and saw a black limousine with diplomatic license plates in the parking lot.

They learned the car belonged to Andrew Young, United States ambassador to the United Nations, who was staying at the same hotel. Hoping to talk with him, they asked for his room number. They were told they could leave a message asking him to call them. When nothing had happened by 11 p.m. they called a different operator who did not know he wasn't supposed to put calls through to Young.

A sleepy ambassador answered his telephone and agreed to meet the Birmingham students the following morning.

Several of the students were at last week's board of education meeting at which Mark Doctoroff reported on their experience.

"I am one of the only people in this room who ever woke up the ambassador to the United Nations," he said.

HOME RULE is alive and well. At a recent Southfield Township board meeting, Supervisor Ted Sura let it be known that "I wouldn't want the (Oakland County) board of commissioners to have anything to do with anything."

A PROPOSAL for an emergency veterinary clinic was before the Bloomfield Township Board when someone asked how sick animals would be transported to the new facility. Quipped Supervisor Homer Case: "You're not going to use my paramedics."

JEAN DE GAJ

WASSELL had a special reason for catching the film "The Turning Point" at the Cinema I in Troy recently. Mrs. Wassell of Birmingham is the mother of ballet dancer Douglas Edward Wassell, a 1967 graduate of Seaholm, and her daughter-in-law has a supporting role in the film.

Doug's wife Dianas, who is also a dancer, plays the role of Caroline, a romantic interest of Uri, played by Mikhail Baryshnikov. Caroline temporarily takes Uri away from another young dancer (Leslie Brown portraying Shirley MacLaine's daughter).

"It's been a great thing for both of them," Mrs. Wassell said. The film, which is Dianas' first, has been nominated for an Academy Award in categories including best picture, best directing and best cinematography. Four stars of the film are up for Oscars, too.

ACRONYMS, words formed by using the first letter of each word in a name, are becoming so



Arnold Berndt still gives private lessons. He works hard with Julie Smith, a senior at Groves.

Maestro

Celebration to honor music pioneer

By JOE MARTUCCI

Arnold Berndt has taught many a youngster how to blow a horn, but he's not the type to blow his own bugle. The 76-year-old Beverly Hills resident founded the Birmingham Schools' music program back in 1928. During the 38 years he spent with the school district, he developed a reputation as one of the foremost music educators in the country.

But Berndt doesn't see himself as anyone special. He came to Birmingham to do a job and he stuck it through to the end, when he retired in 1966.

The people who now run the school district's music program know differently, however. They're planning a May 25 celebration to mark the 50th anniversary of the introduction of instrumental music in the district. Berndt will be the guest of honor.

"He originated the program and developed it. The rest of us just followed through," said Robert Kutscher, head of instrumental music for the school district.

Berndt has been away from the Birmingham School District for 12 years, but he still gives lessons in his home to 20 youngsters. Most are learning trumpet or cornet.

"I've been doing this since I retired," said the soft-spoken musician. "You never quit working in this business."

DOES BERNDT miss the school atmosphere? No way. He figures after 38 years, enough is enough.

"I can't say I ever really did miss it. You can only go on so long, and then you begin to be fed up with the whole thing."

A number of Berndt's former students are now teaching music at the high school and college level. Others play in the new Birmingham Community Band.

"I think they're doing quite well," he said of the band. "You have to remember that these people can't spend an hour or more every day practicing."

"You can't expect the same kind of perfection that you would get from even a high school student."

Berndt doesn't pick up a trumpet or violin very often anymore. He gives the impression that despite his age, he could still play well. But he can no longer meet his own rigid standards.

"I'm too old now. Playing trumpet at my age is just crazy. You've got to be in good physical condition. It takes a lot of endurance. When I say play it, I mean really play it."

Berndt doesn't regret never having a light at the college level. One of his closest friends, Lexard Falcone, is a professor emeritus and former conductor of bands at Michigan State University. They studied together back in the '20s at the University of Michigan.

"When you get to the college level, you have to be really on your toes," Berndt said. "A person's career is in your hands, and it's a great responsibility. He either makes the grade and becomes a professional or he doesn't. There's a lot more pressure on the teacher."

"At the high school level, you're just preparing students for college. But I still take it very seriously, which some of my students don't like."

LOOKING BACK over his lengthy career, Berndt recalls his early struggles in establishing a music program from scratch.



"I still take it very seriously, which some of my students don't like." — Arnold Berndt

"They kidded me into thinking that there was a program when I came here, but I couldn't find it. One of the most difficult things is having to educate administrators on what was necessary to have a music program."

"I had to sell them on the idea that we had to set up a program within the time limits of the school day. They thought I was a little crazy."

Most of the administrators Berndt encountered through the years were supportive, but he remembers that some "were very much bucking the program."

One superintendent, he said, believed music classes should only be offered as an extracurricular activity. Berndt was ready to rally parent support for a showdown with the superintendent, but it never came.

"I would have won that one," he said confidently. Berndt won't say who the superintendent was, however. "I don't want to point any fingers of scorn at anyone," he said.

(Continued on page 2A)

Kenning warns of money woes with bond issue

By MARY CONNELLY-SZCZESNY

A city-tax supported senior housing project could have a "major impact" on Birmingham financially, said City Manager Robert Kenning.

Kenning has issued a report to the Birmingham City Commission probing the ramifications of the city's issuing general obligation bonds to pay for senior housing.

Birmingham voters April 6 will decide if the city should issue up to \$6 million in general obligation bonds to build senior housing on the northwest corner of Chester and Merrill.

A second alternative, obtaining financing through the Michigan State Housing Development Authority (MSHDA), also will be on the ballot.

Kenning's report states that the bonding proposal comes at a time when the commission has been "gravely concerned" about having to increase local taxes to keep pace with inflation and the demand for more services.

City officials estimate it will cost up to two mills (\$1 per \$1,000 assessed valuation) annually to retire the debt and pay operating costs if the city builds and owns senior housing.

"Because the city is almost totally developed, there is little likelihood of any significant new sources of local income," Kenning said.

Because it was decided to use available money for current services, capital expenses have been severely restricted, he added.

Kenning called the use of city taxes to build a housing project and subsidize rent for tenants "an entirely new demand for the limited City of Birmingham tax funds."

He said that providing services such as public housing have traditionally been the job of the county, state or federal government.

Using city money for senior housing may also amount to "double taxing" of residents, he said.

"Birmingham taxpayers are presently paying taxes to the county, state or federal government for social services," the report states.

"To the extent that the community fails to utilize these services, but rather adopts another local tax for the same purpose, they will be double taxing themselves and making their share of county, state or federal funds available to some other community."

TENANTS in Birmingham's senior housing will pay 25 per cent of their income for housing.

Who will pay the rest depends on voters April 3.

Under the MSHDA proposal, subsidies will be provided through the U.S. Department of Housing and Urban Development (HUD).

(Continued on page 2A)

Manley Bailey dies, prominent mortician

Manley R. Bailey, a lifelong resident of Birmingham and one of its leading funeral directors for almost 50 years, died March 23 at St. Joseph Mercy Hospital Pontiac.

Mr. Bailey's entered his profession in the days when police escorted funeral processions in Model-T Fords and motorcycles.

He was born in Birmingham on Nov. 26, 1907, was graduated from Baldwin High School and in 1930 married Winifred Haack, a high school classmate. Mrs. Bailey died in 1975.

After graduating from the Cincinnati College of Mortuary Science, Mr. Bailey returned to Birmingham and became a partner in the Kimball-Bailey Funeral Home on North Woodward. Three years later the partnership was dissolved and Mr. Bailey became the sole owner in 1933.

A profile of Mr. Bailey as a business leader appeared in the Nov. 22, 1934 Eccentric.

"HAD NOT a relative of Manley Bailey's once interested him in the funeral directing business, he might be spending his fall days and nights pondering gridiron strategy as coach of a football team some place," it read.

He was remembered in the account as one of Baldwin High School's most versatile athletes, having collected 12 varsity letters during four years of competing in football, baseball, basketball and track.

In 1955, Mr. Bailey led the race for a three-year seat on the Birmingham City Commission with 2,647 votes.

He was a former member of the city board of zoning appeals and of the historic district study committee, a member of the board of directors of Camp Oakland, Birmingham Lions Club and Exchange Club, Lodge No. 44 F. & A.M., Scottish Rite bodies—Valley of Detroit, Moslem Shrine of Detroit and Birmingham HI-72.

Mr. Bailey also was a member of



Manley R. Bailey, in a 1959 photo.

No. 2169, and the Presbyterian Men's Club of Birmingham.

HE WAS known throughout the community for his large collection of photographs of early Birmingham, many of which were displayed at the funeral home. A funeral home spokesman said Mr. Bailey was an "unofficial historian" who frequently gave talks which he illustrated with his photo collection.

He is survived by a daughter Louise B. Nederveld of West Bloomfield; a son Kim R. Bailey of Birmingham, and six grandchildren.

Funeral services will be at 1 p.m. today at the First Presbyterian Church of Birmingham, of which Mr. Bailey was a lifelong member. Burial will be in Southfield Cemetery. Memorial tributes may be made to

Leaves ear behind

Bunny bandit hops away

On the agenda

BIRMINGHAM CITY COMMISSION
8 p.m. Monday, March 27
Communications

- Village of Beverly Hills notice of hearing before zoning board of appeals regarding 17877 Fourteen Mile.
- First Federal Savings and Loan Association of Detroit request extension of temporary use permit regarding temporary office at 1000 Haynes.
- Community House Newcomers Club request to use Shain Park on May 27.
- Michigan Public Service Commission notice of hearing regarding Detroit Edison rates.

Township cancels meet

Tonight's Bloomfield Township Board meeting has been cancelled. The board held a special meeting last week on the 1978-79 budget, so another meeting isn't necessary this month.

Meetings are held on the second and fourth Mondays of each month, beginning at 8 p.m. The next meeting is April 10. Township hall is at 4200 N. Telegraph.

Music teacher plays on

(Continued from page 1A)

BRENDT SPENT his last 17 years as an administrator-coordinator of music for the school district. But he still has plenty of advice to offer parents with children who are budding musicians.

"I've had some very gifted students. But I don't care how much talent you've got, you have to work at it. The main thing is desire."

"A kid with mediocre talent and desire will out-play the kid with plenty of talent but no desire."

"If you're going to play an instrument, you have to become a slave to it. If you try to become the instrument's master, forget it."

Kenning cautions voters

(Continued from page 1A)

Under the bonding proposal, city taxes will be used for subsidies. Kenning questioned the city's ability to get out of the subsidy program if the economy takes a downturn. The city may also be faced with demands to expand the program, he said.

"A housing or rent subsidy program, once started, will be difficult, if not impossible, to discontinue in the future if there is a reverse in the economy," he said. "At those difficult times, there will be an increase in the demand for such services."

REFERRING to the proposed 152-unit senior housing complex, Kenning termed the project "relatively small."

"If the program is successful, there will be pressure for expansion. This demand will be further accentuated by the population bulge of senior citizens that will be experienced in the next 20 years," the city manager said.

Noting that senior citizens are only one part of the population, he questioned if a demand will follow to offer a similar program to low- or moderate-income residents.

KENNING ALSO said that a city-owned project will need Birmingham taxes to pay management costs whether the city hires personnel or uses a contractor.

"The city manager felt compelled to raise these points because of their

• Michigan Public Service Commission notice of hearing regarding Michigan Bell Telephone Co.

City Manager's Reports

- South Poppleton area traffic study.
- Parking rented vehicles on city streets.
- South Woodward parking meter report.
- Comments on EMS report.
- Retail store on the west side of Woodward north of Davis.
- Rezoning of lots 19 and 20, assessor's plat No. 6.
- Recommended change in parking on Hazel near Elm.
- Bids on traffic paint.
- Bids for water meter modernization kits and remote registers.
- Federal revenue sharing money-proposed use hearing.
- Spring tree planting.
- Status report-Maple, Cranbrook intersection improvement.

Traffic and Safety Board Reports

- Pembroke Manor traffic recommendations.

Ethics procedure troubles board

By BARBARA UNDERWOOD

Revision of an existing school district policy is causing the Birmingham Board of Education more grief than expected.

Policy 4116, titled simply "Ethics," isn't simple, the board has learned during the past several weeks. And Board President Donna Hartwig last week described the current status of "Ethics" as "a dilemma" for the board.

The policy change stemmed from an incident last year involving Jennifer String, a Covington Junior High teacher who was charged with a "most serious breach of professional ethics, board policies and the standard of conduct expected of a teacher."

Two charges concerned a relationship between Mrs. String and a male student. She later resigned her teaching position just before a tenure hearing was scheduled to begin on the charges.

In an effort to clarify the language of the policy, the board on Feb. 7 approved the following wording: Professional educators . . . will take an active interest in student activities, but shall refrain from all contact which implies a romantic or overly familiar relationship with a student or students, and/or constitutes immoral, illegal or unethical behavior."

TO DATE, the policy change is still in limbo. Another revision, deleting the phrase approved by the board on Feb. 7 and substituting another statement, was rejected last week. Discussion of the matter ended when Mrs. Hartwig termed it a dilemma for the board.

Another revision of the controversial policy is expected to be considered at the April 4 board meeting.

"You are sticking your heads in the sand. (policy amendment) is mealy-mouthed and hypocritical. I am just appalled!"
—Joseph Findling, attorney

The substitute paragraph proposed at last week's board meeting said:

"The board of education expects that staff members, in maintaining appropriate relationships with students, will adhere to standards of personal conduct acceptable in the community."

Joseph Findling, a lawyer and school district resident, said the substitute paragraph was "ambiguous, confusing."

"You are sticking your heads in the sand," he added. "It is mealy-mouthed and hypocritical. I am just appalled."

There is nothing here that covers the issue at all. I propose you use plain English."

JOHN HACKETT, president of the Birmingham Education Association (BEA), called the Feb. 7 revision an "insult to the teaching profession, one more barrier between us."

He said if the board was unwilling to rescind the statement, he would ask that it "delete the term 'overly' or refine it; we are uncertain what it means."

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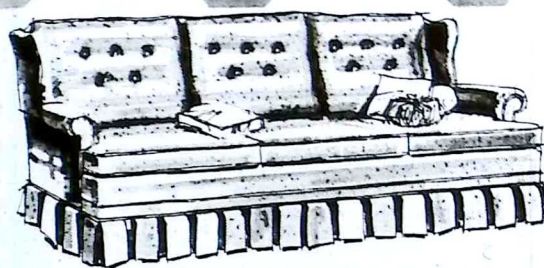
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B'ham candidates wrangle over senior housing

Senior citizen housing is the hottest issue in Birmingham this year. And the seven candidates running for election to the city commission April 3 are at odds on the issue.

Three incumbent commissioners and four challengers are seeking election to three seats on the commission. The terms are for three years.

Birmingham voters April 3 will choose new commissioners and also settle the senior housing controversy.

Voters will be asked if they want to build senior housing and how it should be financed.

The three incumbent commissioners, Samuel Staples, Herbert Ring and Arthur Underwood Jr., support ballot proposition number two. If that proposal passes, the nonprofit Baldwin House Corp. will build and manage a senior housing complex on the north-west corner of Chester and Merrill.

The Michigan State Housing Development Authority (MSHDA) will finance the project. Rent subsidies for seniors will be paid through the U.S. Department of Housing and Urban Development.

Baldwin House will also buy rehabilitate and rent 50 single-family homes to low- and moderate-income families.

THE OTHER ballot proposal calls for city financing of senior housing.

Under the proposal, Birmingham would issue up to \$6 million in general obligation bonds. It is estimated it will cost taxpayers two mills (\$2 per \$1,000 assessed valuation) annually to retire the debt and pay operating costs, including rent subsidies. The debt will be paid over 30 years.

The four candidates challenging the incumbents, George "Bert" Jackson, Bart Johnson, Gary Kain and Bill York, do not favor either ballot question. All say they will vote no on both.

The challengers are calling for further study of the issue and fact-finding before the city embarks on a senior housing project.

The incumbents maintain the city has worked for several years to get housing built and the MSHDA plan is the best way to do it without increasing city taxes.

BIOGRAPHICAL PROFILES of the seven candidates follow.

In addition, each candidate has responded to three questions posed by the *Eccentric*. The questions were:

1. If voters approve a city-financed senior housing project April 3, do you favor retaining the city's contract with Baldwin House Corp. or would you, as a commissioner, vote to rebid the project?

2. How many more licenses to serve liquor-by-the-glass would you vote to issue in Birmingham, if elected?

3. What specific programs would you promote if elected commissioner?

George 'Bert' Jackson

Jackson, 53, of 575 W. Frank, has lived in Birmingham his entire life. He is self-employed as a licensed residential builder.

Married, he attended Midwestern Baptist College and graduated from Baldwin High School in Birmingham.

Jackson has been chairman of Birmingham's Housing Board of Appeals for two years.

He is also a squadron lieutenant in the Birmingham fire squad, an auxiliary assistant unit to the city's fire department.

Jackson has been a Republican delegate from Birmingham's fourth precinct, a community representative of the Pierce School Parents' and Teachers' Organization and a scoutmaster with Boy Scouts of America. He is a merit badge counselor with the Boy Scouts.

Jackson was a member of the Committee to Save Birmingham Schools and is active in the Central Birmingham Residents Association.

He has not previously run for public office.

1. I would vote yes to wipe the slate clean and then begin by recommending that a thorough, unbiased, independent study of senior citizen housing needs be acquired. With that information, design a structure to meet the indicated needs of seniors and a structure that would be compatible with site and surroundings without variances.

2. None at this time. I think we have too many now.

3. Specific programs include completion of a master plan and land use map. I would seek extensive citizen input for this as we have a tremendous resource in our people of Birmingham. Change priorities of commission from dealing with many mediocre administrative matters that the administration should be allowed to handle. The commission should devote that time to policy-making matters and the needs of the citizens of Birmingham.

Bart Johnson

Johnson, 44, of 2594 Derby, has lived in Birmingham 2½ years.

He is a self-employed accountant employed as controller and chief financial officer with Peoples Federal Savings of Detroit, 751 Griswold, Detroit.

Married, he graduated from the Uni-



GEORGE JACKSON



HERBERT RING



BART JOHNSON



GARY KAIN



BILL YORK



SAMUEL STAPLES



ARTHUR UNDERWOOD JR.

versity of Detroit and Clawson High School and attended Wayne State University's master's degree program in management. Johnson has not previously run for public office.

1. There is so much controversy and dissension in the City of Birmingham over this contract (and methods of financing it) that I sincerely believe the best answer is to start over. I would vote to rebid the project.

Elected commissioners are supposed to represent the people. In most cases, the people expect to trust their judgment and leadership. In cases such as this, where there is a clear indication of voter concern and confusion, all the facts should be made public and the people, not the commission, should decide.

he people, finally, will be allowed to vote on MSHDA and on the bond issue. But that stops a step short. The Baldwin House contract should also be on the ballot so the people of Birmingham could speak, once and for all, on the whole issue.

2. I do not favor arbitrarily limiting the number of liquor licenses to be issued. I doubt that we even have that authority. The State of Michigan governs liquor licensing. We are allowed 17, 10 of which have already been granted.

The key is not the number of liquor licenses but the quality. I favor stricter standards and selectivity. We certainly don't want neighborhood bars or service stations that dispense liquor as well as gasoline. But if we attract quality restaurants and clubs which draw responsible people into Birmingham, we all benefit.

We should define requirements for approval which would eliminate all but

the very best from consideration. We should define a timetable, i.e. one liquor license per calendar year maximum, to avoid "flooding" the market. And we should require annual inspection of all licensed establishments to assure maintenance of the defined standards.

3. I would first define goals and formulate policies consistent with achieving those goals. I support completion of a master plan-land use plan.

I would work to maintain the single-family residential character of Birmingham and to achieve a strong commercial core. I would avoid overdevelopment, but prefer redevelopment to stagnation/deterioration.

I support a new start for senior citizen housing; an EMS program run by our city fire department; Troy annex-

ation at no financial loss to Birmingham; continuation of Dial-A-Ride, contingent upon continued subsidy by SEMTA.

I would require strict selectivity in granting further liquor licenses and annual inspection of all licensed establishments to assure maintenance of the defined standards.

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Gary Kain

Kain, 42, of 1896 Banbury, has lived in Birmingham 14 years.

He is a self-employed attorney with offices at 1565 Woodward, Bloomfield Hills.

Married, Kain graduated from the Detroit College of Law, Hillsdale College and Detroit Denby High School.

He has been a precinct delegate in Birmingham's 16th precinct. Kain has also been a member of the board of directors of the Birmingham Optimist Club and the Birmingham girls softball program.

(Continued on page 6A)

Oldsters, kids find the key

By BARBARA UNDERWOOD

Senior citizens who want to feel needed can find their niche at Pierce Elementary School.

Coordinators of the school's Latch Key program want to get Latch Key participants and senior citizens together for the benefit of both age groups.

The Latch Key program is for children whose parents work. It allows children to come to school as early as 7 a.m. and stay until 6 p.m. if necessary so they won't have to be at home alone before and after school.

Twenty-five children participate at Pierce, chairwoman Maude Rice said. Benita Ejups is the paid coordinator of the self-supporting program.

Although the program usually operates on school days only, events are planned each day this week during the school vacation break. Senior citizens from the nutrition site at the Birmingham Center for Continuing Education (BCCCE) have been invited to a magic show one day. The children will have lunch at the BCCCE another day.

"WE WOULD like to work the senior citizens into the (Latch Key) program here," Mrs. Rice said last week. When she suggested that the older people might share their time with the children, they said "They had no talents," she added.

"I think if the children present their needs themselves, it will be better than coming from adults," Mrs. Rice said. "So many of the children don't have grandparents, and the senior citizens don't have grandchildren."

She is looking for "substitute grandparents" who can teach the children how to knit, garden and take part in other activities.

The Latch Key program is in its second year at Pierce, and also is offered in other Birmingham schools. At Pierce, it operates Monday-Friday, including conference days.

A preschool program will begin April 3 from

9:30-11:30 a.m. Monday, Tuesday, Thursday and Friday. The preschool program for next fall is filled and has a waiting list, Mrs. Rice said.

ALSO, A FULLTIME summer program is planned for the first time but will require a lot of planning, she added.

"We will have to see how spring vacation goes. For a full day, we would have to get away from here some days."

The program is held in one of two "kindergarten cottages" across the street from Pierce School. The two cottages were built during the postwar baby boom when the school became overcrowded. The other cottage is still used for kindergarten classes.

The children who take part in the Latch Key program range from kindergarten through fifth grade. Two high school girls assist Mrs. Ejups on alternate days.

Parents pay \$1 per hour for the first child in a family and 75 cents for each additional child. There is no set program, but a variety of games and activities to keep them occupied.

A warm snack is served after school, and often the children will bake cookies or some other treat.

"I tell them to be careful," Mrs. Ejups said. "They have to eat what they bake." Popcorn is a special treat.

Mrs. Rice, who described herself as painter, floor scrubber and window washer, said, "We try to give them what their mother would give them if she were home."

The secret to a good Latch Key program is the coordinator, Mrs. Rice believes, and Mrs. Ejups, the coordinator, said "I love the job."

"My place is with kids. They are so uncomplicated."

"There are no schemes. It just comes out like it is."

Township puts bite on canines

Southfield Township may put the bite on people who let their dogs run loose.

Presently, township animal wardens write a \$10 ticket for this ordinance violation. But animal warden Kathleen Fitzgerald convinced board members at a recent meeting that the township has been barking up the wrong tree.

"People in Southfield Township (Beverly Hills, Franklin, Bingham Farms) are not taking this serious enough. We're being too lenient," said Ms. Fitzgerald. "What we're doing is not getting through."

Ms. Fitzgerald suggested raising the fine to \$25. She said one resident's dog got loose so often last month she paid a total of \$40 in fines to get the animal back.

Board members said the proposed \$25 fine would be too stiff. Instead, it was decided to amend the animal control ordinance to allow fines of \$15, \$30

and \$45 for first, second and third offenses.

The third violation will also carry with it a mandatory court appearance, with possible additional penalties of \$100 or 90 days in jail, or both.

"You can't be a good guy anymore," said Supervisor Theodore Sura.

The stiffer fines won't take effect until the township board amends the ordinance.

IN RELATED action, the board decided against changing its policy forbidding animal wardens from going into homes.

"I'm being dispatched on these calls and I'm getting flack from police," said Ms. Fitzgerald. Residents call for help when a squirrel, raccoon or bird has somehow become trapped inside their homes.

Officials said, however, that the threat of a lawsuit should an animal warden damage private property is too great.

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Ballot proposals spark candidates' dissent

(Continued from page 3A)

this posture toward Baldwin House Corp. I do not mean to infer that those good citizens who comprise the board of directors of Baldwin House Corp. have anything other than high integrity. The fact remains, however, that Baldwin House Corp. does not have, as of this date, site plans on record with the city. I would, therefore, be in favor of reopening bids for the project. It must be remembered that ballot proposals are currently before the public. It is possible for both proposals to be defeated, thereby creating a situation which would open the entire senior citizen project for additional study and rebidding. In the event that proposal two is approved by the voters, I would, if elected, be responsive to the electorate and proceed in accordance with their decision.

2. State law has authorized the issuance of 17 liquor licenses for the City of Birmingham. I do not feel that this community can support that many establishments. A case-by-case approach and a careful consideration by concerned commissioners is, in my opinion, the best policy to follow. To limit the number of licenses to be issued below that which is authorized by state law may result in the loss of local control. As long as local control is retained, the commission will be able to carefully evaluate each application as it is received.

3. I would promote senior citizen housing for Birmingham citizens without MSHDA-HUD financing; expanded recreation programs for all segments of the population, youth, adult and seniors; a master plan for the city prepared by the city planner, utilizing outside of all property within the city; implementation of EMS as soon as possible using Birmingham Fire Department personnel; programs for upgrading and reinforcing our already fine police and fire departments; a program of summer employment opportunities for Birmingham youth, in both the public and private sector; a program to retain a healthy and vital central business district without encroachment into residential areas; programs to involve greater numbers of citizens in government and civic activities.

Herbert L. Ring

Ring, 57, of 2328 Derby, has lived in Birmingham 23 years.

He is a designer and creator of fine jewelry and is the owner of Herb Ring Distinctive Jewelry, 534 N. Woodward, Birmingham.

He attended the Cranbrook Academy of Art and Cass Technical High School.

Ring was appointed to the city commission in January 1977 and elected to a one-year term in April 1977.

He also served on the Birmingham Zoning Board of Appeals from October 1966 to January 1977.

Ring was elected a precinct delegate in precinct seven in Birmingham.

He has participated in the Pembroke Homeowners Association, serving as president from 1965-68, the Detroit Commandery No. 1, K.T., the Birmingham High Twelve Club and the Seaborn Boosters Club.

1. If the electorate approves general obligation bonds to finance senior housing, it would appear that rebidding the project would be in order. The nonprofit Baldwin House Corp.'s proposal, as were most of the others, was presented with MSHDA financing.

2. Each application for liquor-by-the-glass must be thoroughly investigated and reviewed. Approval by the commission must be based on the facts as presented, the value to the community, and whether or not the presentation conforms with the original intent and conditions that were presented to the voters when the issue was approved. Each additional license will increase competition, and perhaps saturation, with the possibility of undesirable results. Therefore, there is indeed a point when the community cannot support any additional liquor licenses regardless of any "quota."

Liquor licenses must only be approved with judicious, responsible action. I have voted favorably on only one of the applications that were presented to the commission.

3. A) I would initiate a newsletter to open the lines of direct communication

with the people. The newsletter will, hopefully, prevent the repetition of the recent discord in the community due to the lack of information. This discord threatens to divide Birmingham and negate many desirable programs, services and policies that have been established by the present commission, administration and various board and committee members of the city.

B) A sound fiscal policy, with established priorities, assuring the continued improvement of vital services. Close scrutiny of expenditures must be emphasized or your tax bills will continue to increase.

C) Ballot schedule the revisions of the city charter, as recommended by the charter review committee and approved by the commission.

D) Implementing the emergency medical service operated by the Birmingham Fire Department.

E) The finalization of revising Chapter 39 "Zoning" and the adoption of a master land use plan. The just and equal enforcement of zoning regulation and city codes.

F) We must preserve and improve the cultural amenities and residential values which attracted us to Birmingham in the first place. Through traffic must be restricted from our neighborhoods.

Samuel W. Staples

Staples, 45, of 860 Pleasant, has lived in Birmingham for 17 years.

Married, he is vice-president of Michigan Bearing Co., 1700 E. Avis, Madison Heights.

Staples was graduated from Purdue University and Bay High School in Bay Village, Ohio.

He has served on the Birmingham City Commission since his election in April 1972. He was re-elected to a three-year term in 1975. Staples was mayor of Birmingham in 1976.

He was also president of the Birmingham Homeowners Council from 1970-71 and of the Pleasant Avenue Association from 1969-70. Staples was chairman of the board of trustees of Our Shepard Lutheran Church, Birmingham, from 1967-68.

1. I believe the Baldwin House Corp. is the best possible developer for the City of Birmingham. It is made up of Birmingham people who are selfless with no personal gain in mind. I oppose bonding as a method of financing. However, if it succeeds, I will review the contract and the charter to make sure we are satisfying the law. If I see at that time that to rebid the project would be more beneficial to Birmingham, then I would give it great consideration.

2. You can't answer this question with a 1 or 3 or 7. I feel we have plenty at this time, but each applicant will have to be judged on the merits of his proposal. I see nothing in the immediate future to warrant more licenses.

3. I don't believe government always needs to be expanding and especially Birmingham government. Our increase in tax revenues is extremely limited and is needed almost entirely to cover the increased costs of government from inflation and not new projects. There was no major cry for EMS, but we are committed, and I will see the project to its fulfillment. A private contractor providing the same service at no expense to the city made more sense to me. I would like to see the annexation program completed and a master plan completed. But mainly to continue to provide the best service possible within the allotted budget.

Arthur Underwood Jr.

Underwood, 57, of 898 Mohegan, has lived in Birmingham for 21 years.

Married, Underwood is employed in advertising sales with the Shaw-Barton Co., 2820 W. Maple, Troy.

He is a graduate of Michigan State College and Baldwin High School.

Underwood has been a Birmingham city commissioner for 15 months. He was appointed to a vacancy in December 1976 and was elected to a one-year term in April 1977.

Previously, he was elected to the Baldwin Public Library Board and served for nine years. He was the board's president for two years.

1. At the moment, I see no reason not to retain the contract with Baldwin House, but if proposal No. 1 is approved, I would want to consider seriously the question of who is to build senior housing.

2. I have no set number of liquor licenses in mind. We certainly do not have to grant all 17 that are authorized, and each application will have to be carefully considered according to who is applying, where they are located and what the conditions are at the time.

3. My programs for Birmingham are much as they were during the elections in 1976 and 1977: Preserve Birmingham's single-residence character. Maintain a strong business community. Hold the line on taxes, but not at the expense of necessary city services. Work to eliminate unnecessary traffic in residential areas. Above all, keep Birmingham a nice place to live and work.

Bill York

York, of 686 Kennesaw, has lived in Birmingham 12½ years. York is vice-president, sales manager, with Eller Outdoor Advertising Co. of Michigan, 88 Custer, Detroit.

Married, he attended Highland Park Junior College and Wayne State University.

York has participated in the Highland View Homeowners Association. He has not previously run for public office.

1. No. Over 4,000 registered voters signed a legal, constitutional right, referendum demanding the incumbent commissioners not to renew a contract with the Baldwin House Corp. I believe it is the prime responsibility of the

commissioners to be responsive to the voice of the majority. The incumbent commissioners are not responsive to the demands and wishes of the majority of registered Birmingham voters. In my studied opinion, Baldwin House Corp., its principles and behind-the-scenes supports, are individually and collectively an incalculable threat to the future goodness and validity of our good and healthy neighborhood. And our neighborhood is Birmingham city.

2. No more new liquor licenses. I favor a moratorium until a new commission can readress and prepare a firm, clear and fair policy to govern the future issuance of all Birmingham liquor licenses.

Again, those persons who are so actively pursuing proliferation of "food and drink" places throughout Birmingham, I believe, can be a real threat to Birmingham's residential neighborhood character.

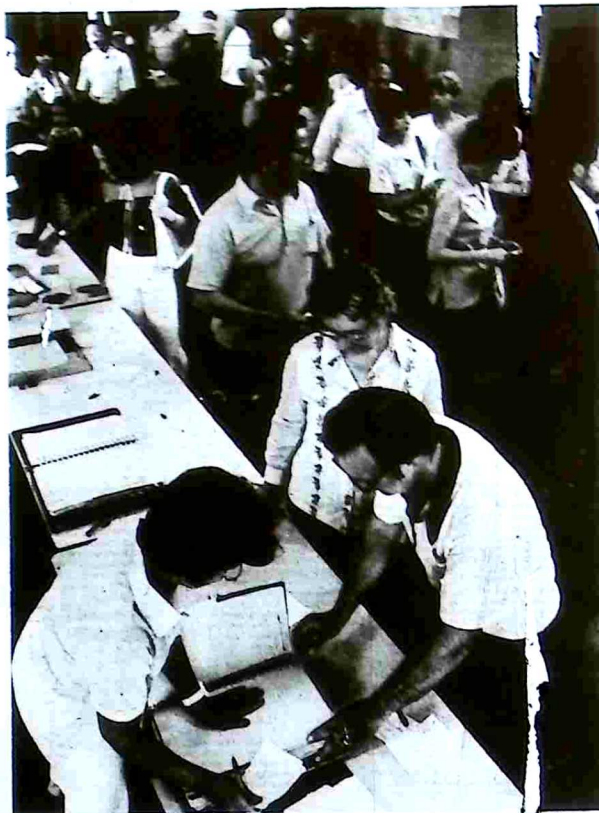
I say no more licenses until we establish a plan that will permit food and drink place that will be an enhancement to our neighborhood, that is, to our Birmingham city.

3. Every Birmingham citizen and supporter should learn about the workshops like the League of Women Voters of Metropolitan Detroit.

Louis Cook (Detroit Free Press) covered a recent workshop at Marygrove College which featured Otto Feinstein of Wayne State University who said, "Without viable neighborhoods, there is no city. People don't abandon a city, they abandon neighborhoods." This League of Women's Voters approach to neighborhoods is "When the sense of belonging is gone, not much is left."

We need a new commission that can make policies and programs now needed for rebuilding, strengthening of our neighborhood values, i.e., a master plan and land use plan, a housing plan to benefit all our senior citizens, life enrichment plan to expand library, art, music and parks programming for all citizens.

I'll work for and support policies, priorities and programs to regain voter's control of our neighborhood quality and entity that is the real Birmingham. It is time to cleanse away the mess and the incumbents. York is for the neighborhood.



Birmingham's April 3 city election is expected to draw a large number of voters. Residents will decide the fate of seven city commission candidates and the senior housing issue.



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League tackles B'ham housing questions

The questions and answers about senior citizen housing on this page were compiled by the League of Women Voters of Birmingham-Bloomfield.

The non-partisan group has compiled the information to help Birmingham residents cast an informed vote during the city election Monday.

The League's sources were Robert Kenning, Birmingham city manager; Kelly Sweeney, Birmingham Grant Fund Administrator; members of the Birmingham Housing Commission and Baldwin House Corporation; and numerous documents available at the Birmingham city clerk's office.

As in every election, the League of Women Voters has also prepared a non-partisan voter guide which is available at the Baldwin Library or the city clerk's office.

What is the history of the senior citizen housing project in Birmingham?

Briefly, in 1968, the voters of Birmingham became the first all-white community in the nation to adopt a fair housing ordinance.

In February 1970, the Birmingham City Commission appointed a committee to determine the need for senior citizen housing. After a year of study, the committee concluded that subsidized senior housing was both feasible and desirable. The city enacted an ordinance to create a local housing commission consisting of five appointed members, which was formed in 1973.

In the same year, the Birmingham school board placed the then-closed Baldwin School and its 3½-acre lot up for auction. Baldwin was on Maple and Chester. The city thought it an ideal location for senior housing and bought the site in conjunction with Jacobson's.

The housing commission began researching and solicited proposals from developers who wanted to build and maintain the building.

The Baldwin House Corp. was selected from eight developers. In April 1975, the proposition to sell or lease the Baldwin site for senior housing was approved by the voters. Accompanying literature indicated that the site would be used for a senior citizen housing project built by Baldwin House with money from the Michigan State Housing Development Authority (MSHDA).

Is there a need for rent subsidized senior citizen housing in Birmingham?

A 1971 survey of the over-60 population in the City of Birmingham clearly established the need. At that time, more than 900 letters of interest were received by the city clerk's office.

Since it has been suggested that those same people might not be interested now or might no longer be residents, a survey of those 900 people was just completed by the housing commission.

Of the 900 indicating interest in 1971, 760 responded to the 1978 survey and 281 of those are current residents. Of the current residents, 281 are still interested in subsidized senior citizen housing. Eighty-eight per cent are over 65, and 152 poorest interested residents have an average income of \$4,900. The highest incomes in this group of 152 are between \$7,000 and \$8,000.

What are the major differences between the two methods of financing senior citizen housing which will appear on the ballot?

Under question 1, the city would sell general obligation bonds to build and equip the senior citizen housing. Federal rental subsidies would probably not be available under this method of financing.

Taxes would be levied to retire the bonds and pay operating costs not covered by the rents received from tenants.

Current estimates put the tax requirement at up to two mills per year (a mill is \$1 for every \$1,000 of assessed valuation).

Under question 2, the senior citizen housing facility would be built, managed and privately owned by the Baldwin House Corp.

This corporation would use MSHDA financing, which would guarantee the availability of federal rental subsidies for the life of the 40-year mortgage.

There would be no tax levy for either the building or the rent subsidies. In order to qualify for MSHDA financing, Baldwin House would agree to buy 50 houses for low- and moderate-income family housing.

This would be in addition to the 25 units authorized under the Section 8 rent subsidy program currently administered by the city. Again, taxes would be required for the low- and moderate-income family housing.

How will the vote on the housing questions be interpreted?

If both questions receive a majority "no" vote, the voters will indicate that they do not wish the city to use either general obligation bonds or MSHDA financing to pay for the building of senior citizen housing.

If question 1, general obligation bond proposal, receives a majority "yes" vote, voter sentiment will make bonding the preferred method of financing, regardless of the outcome of question 2.

Thus, if only 10 people vote on question 1, and six vote "yes," bonding will be preferred over MSHDA financing, even if 3,000 people vote on question 2, Baldwin/MSHDA, and all 3,000 vote "yes."

Therefore, to make your wishes known, it is important to vote on both questions.

Who is MSHDA and what is their role in senior citizen housing?

The Michigan State Housing Development Authority is an agency set up by the State of Michigan to sell tax-exempt Michigan State bonds to build and/or rehabilitate nonprofit rent subsidized low- and moderate-income housing. In the past, this has been available for both senior citizen and family housing.

How will HUD be involved in the housing program?

Through Section 8 of the Housing and Community Development Act of 1974, the federal government has made available to states a certain amount of money to pay for rent subsidies for senior citizen and family housing. MSHDA is the agency designated by the State of Michigan to distribute this money.

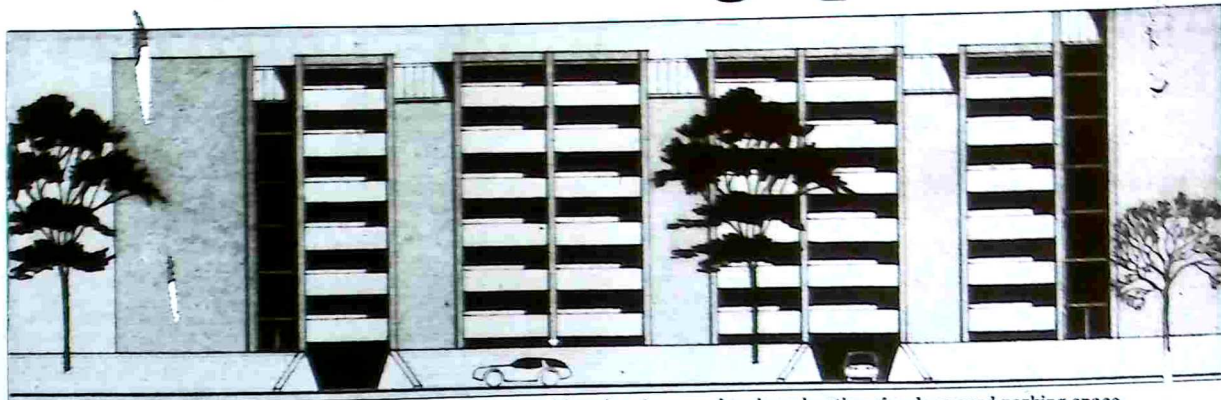
Will HUD own or manage this housing?

No. HUD will guarantee rent subsidies for 40 years with a review every five years to insure enough money for upkeep and maintenance. The housing will be owned by Baldwin House.

Is money, other than through MSHDA, available for building subsidized senior citizen housing?

According to the city's alternative financing study group, the only other feasible program is the one outlined in question 1, general obligation bonds sold by the city and backed by a tax levy.

The study group believed that conventional financing would not be feasible because of the equity required. Of the eight bidders who made proposals to build senior citizen housing, seven proposed using MSHDA financing. The Baldwin House proposal was accepted.



Revised plan for one wing of Birmingham's senior citizen housing complex shows location of underground parking space.

What is Baldwin House?

Baldwin House is a local nonprofit corporation that is sponsored by four local churches. The corporation is non-denominational and financially separate from the churches.

There are 12 members on the board of directors. Alice Burlingame is president. There is also a team of professional consultants, including an attorney, architect, builder and housing consultant.

In a survey, the First United Methodist Church of Birmingham found a top priority need to be senior citizen housing. After contacting all other churches in the area, three other churches voted to provide seed money as well as representatives to a potential board of directors.

The other churches are First Presbyterian Church of Birmingham, First Baptist Church of Birmingham and Embury United Methodist Church.

Has a need for low- and middle-income family housing for Birmingham residents been established?

According to the 1970 census, there are 1,144 low- and moderate-income families in Birmingham, with 854 persons of these being considered poverty level.

Does Birmingham have any subsidized low- and middle-income family housing now?

Yes, Birmingham has already contracted for federal Section 8 money to subsidize the rent on 25 single-family dwellings. Ten families who were Birmingham residents are already placed in the family units, and 25 are on a waiting list. All are Birmingham residents.

How will the family housing be obtained?

In order to qualify for MSHDA financing, Baldwin House will be expected to work affirmatively toward the goal of obtaining and upgrading 50 scattered site single-family houses. These houses will be bought on the open market as they become available. Baldwin House will have no condemnation authority. These houses will be ones that need major renovation of up to \$10,000, such as new roofs, new plumbing, new wiring or other structural work.

Who will own these houses?

They will be owned by Baldwin House Corp. and rented under restrictive leases.

Who will select the applicants and what will be the basis for that selection?

The Baldwin House Corp. will make the selection for the senior citizen housing, and the housing commission is designated to choose those for the family housing.

Preference will be given to those who currently live or work in Birmingham, for both the senior and family housing. The following criteria will be considered: Credit report, personal references, former landlord report, ability to pay based upon current indebtedness, current residency, and personal interview.

What happens if a low-income housing tenant proves to be irresponsible?

There would be a lease between the tenant and the landlord that provides

certain conditions, and if the tenant violates those conditions, he can be evicted.

What will the minority goals be?

According to MSHDA, a goal of 16 per cent of the housing, or eight homes, should be available for minorities.

What is the difference between a "quota" and a "goal" for minority housing requirements?

A quota is a nonnegotiable fixed number which must be met. Failure to meet a quota implies sanction imposed on the owner. A goal is that number of units for which minority occupancy can reasonably be anticipated.

Who are defined as minorities?

Minorities are considered to be blacks, Chicanos, American natives and Orientals.

Once the contract has been issued for housing, can the ground rules be changed by MSHDA or HUD?

No. The contract is a binding commitment to certain terms and conditions.

Will the city lose property tax revenues if the Baldwin/MSHDA project is approved?

Baldwin House will pay the city \$250,000 for the land for senior citizen housing and an annual fee in lieu of taxes for the senior development. Baldwin House will pay full taxes on the 50 family units.

The assessed valuation on these units should go up, because of the

extensive renovation required to be accomplished on each one. Such renovations should help the property values in the neighborhoods as well. Baldwin House will also pay the cost to manage and maintain all the housing units.

Would city-owned senior citizen housing, as in question 1, be subject to state and federal housing requirements?

According to legal counsel, such a complex would be subject to the federal Fair Housing Act and the state Civil Rights Act. Neither of these laws would require "affirmative action" on the city's part, but both would prohibit discrimination.

This area of the law is a rapidly developing one, and there is no guarantee that a municipality owning such a complex might not be required to engage in an affirmative action program.

If question 2 fails on April 3, will state or federal money be available for senior citizen housing in the future?

As of last week, when Birmingham Grant Funds Administrator Kelly Sweeney was in Washington D.C. to confer about possible available money, he was told that for the next several years the emphasis will be on family low- and moderate-income housing. HUD is allocating no Section 8 money to MSHDA for elderly housing subsidies this year. The present money that has been set aside for Birmingham are part of the 1977 allocation. If question 2 fails, this money will be given to another community waiting for the money. Any future HUD or MSHDA money would be very difficult to get.

Deaf adult programs set

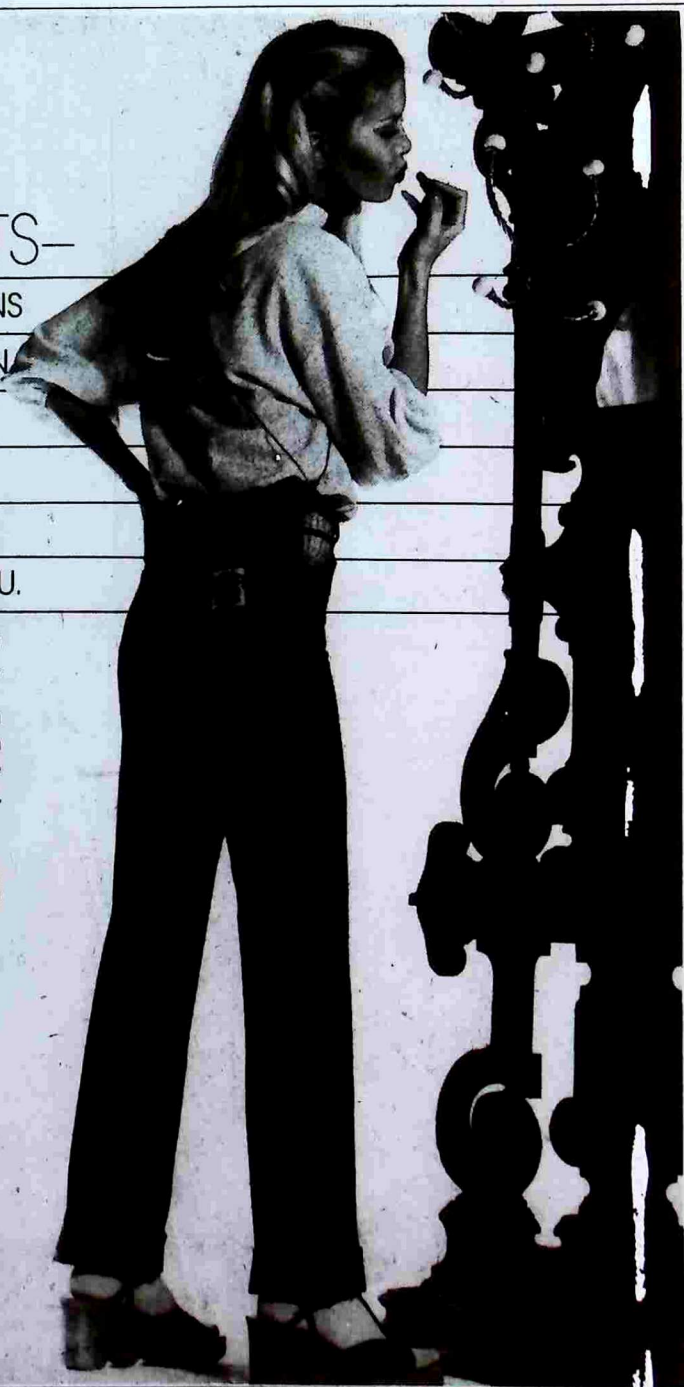
Interpreters and note takers will be available for hearing-impaired adults who want to take day or evening classes in the adult education program offered by the Bloomfield Hills School District. Classes will begin the week of April 10. Deaf adults may register by mail or come in person on Tuesday to the recreation-community education offices at Hickory Grove School, 2800-A Lahser Road, between Hickory Grove and Square Lake roads.

Sign language interpreters will be available on that date from 8 a.m. to 8 p.m. Additional information may be obtained from Anne Gruca at 334-3510 (TTY and voice) on weekdays between 8 a.m. and 2 p.m. beginning Monday.

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Election countdown

Voters speak Monday

Polls will open at 7 a.m. Monday for voting in Birmingham's annual city election.

Ballots may be cast from 7 a.m. to 8 p.m. This year's hotly-contested race for city commission seats and controversial ballot proposals are expected to draw a heavier-than-normal voter turnout.

On Tuesday the Birmingham City Clerk's office reported issuing 248 absentee ballots, four days before the distribution deadline. Normally, 150-200 absentee ballots are issued in a city election.

Birmingham residents Monday will choose three city commissioners who will each serve three year terms.

Seven men are running. They include incumbent Commissioners Herbert Ring, Samuel Staples and Arthur Underwood Jr.

Challenging the incumbents are George "Bert" Jackson, Bart Johnson, Gary Kain and William York.

STAPLES, RING and Underwood are targets of a recall drive. A recall election aimed at ousting six of Birmingham's seven city commission members is scheduled May 8.

However, if the incumbents survive at the polls Monday, they cannot be recalled in May.

The recall campaign is an outgrowth of a controversy over senior citizen housing in Birmingham.

That issue will be settled by voters Monday.

Residents will decide how senior citizen housing

Heavier-than-normal voter turnout is expected in Monday's election. There were 248 absentee ballots issued four days before the distribution deadline.

should be financed if built.

The first ballot proposal asks if the city should issue up to \$6 million in general obligation bonds. It is estimated taxpayers would pay two mills (\$2 per \$1,000 assessed valuation) annually to retire the debt and pay operating costs. City tax money would also be used to subsidize rents in the housing complex.

The city would own the project.

THE SECOND ballot question asks if residents favor construction of senior housing by the nonprofit Baldwin House Corp. Financing would be obtained through the Michigan State Housing Development Authority (MSHDA) and use no local taxes.

The U.S. Department of Housing and Urban Development (HUD) would supply rent subsidies. Baldwin House would also buy, rehabilitate and rent 50 single family homes to low and moderate income families to obtain senior housing financing.

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Unitarians promise senior housing aid

Birmingham Unitarian Church, 651 Woodward, may join Baldwin House, the non-profit corporation named to build senior housing in Birmingham.

The board of trustees of the church voted to recommend the move during the upcoming annual business meeting of the congregation.

The trustees last week also voted to send \$1,000 to Baldwin House immediately.

Baldwin House was chosen from eight bidders in 1976 to build and manage Birmingham's proposed senior housing on the northwest corner of Chester and Merrill.

Other members of the non-profit corporation are the First Baptist Church of Birmingham, First United Methodist Church of Birmingham, First Presbyterian Church of Birmingham and the Embury Methodist Church.

THE CONGREGATIONAL meeting of the Birmingham Unitarian Church is May 19. If the congregation does not agree to join Baldwin House, the money will be considered a contribution to the corporation, a spokesman said.

"We made the monetary decision now because we have special funds

accessible to the board for such purposes," said the Rev. Robert Marshall, minister of the Unitarian church.

"We are a very democratic church in structure, so the board cannot commit the full congregation," he said. "But we wanted the community to know, at this time of public examination and discussion, that we think the approach of Baldwin House is sound, sober and much needed."

"I am confident that our congregation will respond with the same affirmative stance as our board."

BALDWIN HOUSE is involved in Birmingham's senior housing controversy because the corporation has proposed financing the project through the Michigan State Housing Development Authority (MSHDA).

Voters April 3 will decide if the project should be financed by MSHDA or by city taxes.

The housing authority would require Birmingham to rent 50 homes to low and moderate income families before financing the senior housing project.

Marshall said his Easter sermon was designed to emphasize the importance of adequate housing throughout the suburbs.

AFS to host slide show

Elizabeth With-Seidelin, Groves High School American Field Service (AFS) student from Denmark, will show slides and tell of life in her homeland at 7:30 p.m. April 12 in the Groves little theater.

The program is open to the public. Groves is at Thirteen Mile and Evergreen roads, Beverly Hills.

Dr. and Mrs. Henry Kaine and their daughter Nancy are Elizabeth's American host family. The slide program is sponsored by the Groves AFS adult chapter and the student club to provide the community with an opportunity to better understand other nations and people throughout the world.

Two other Groves AFS students gave similar programs recently.

Nooshin Farivar from Iran appeared in native costume when she made her presentation. She is living with Mr. and Mrs. Meyer Levy and their daughter Loren of Franklin.

Julian Gonzales from Colombia, South America, has been active in sports while attending Groves this year. His host family includes Mr. and Mrs. Floyd Hixon and their son Stuart of Beverly Hills.

Hills classes think spring

Adult courses offered by the Bloomfield Hills recreation-community education department include at least 50 ways to leave winter and love it.

Registration for the spring classes has begun at the recreation-community education department in Hickory Grove Elementary School, 2800-A Lahser Road, Bloomfield Hills.

Registration is limited in some classes. Further information may be obtained by calling 334-3578.

Birmingham fire calls

At 7:43 p.m. Saturday, March 25, Engine 56 of the Birmingham Fire Department investigated a call from 1315 N. Woodward. The location was in Bloomfield Hills and that department was notified.

At 10:14 p.m. Saturday, Engine 78 answered a first aid call at the home of C.C. Pendray, 919 Mohegan. He had chest pains and was taken to Beaumont Hospital by ambulance.

At 12:14 a.m. Sunday, March 26, Engine 78 responded to a call from Calvin Rowe, 1126 Yorkshire. He was taken to Beaumont Hospital by ambulance with a possible heart condition.

At 2:33 a.m. Monday, March 27, Engine 56, Ladder 12 responded to a call from R. S. Williams, 690 Kimberley where a malfunctioning alarm system was found.

At 7:06 a.m. Monday, Engine 78 responded to a call from John Lane, 1648 Maryland. Glucose and orange juice were administered to the victim who is diabetic.

At 7:17 a.m. Monday Engine 78 responded to a call from Myrtle Schmidt, 555 S. Woodward. She had chest pains and was taken to St. Joseph Mercy Hospital by ambulance.

Board renews licenses

All nine Class C liquor license holders in Bloomfield Township have received renewals for another year.

The township board reviews all the "liquor by the glass" license holders each spring and decides whether to renew them.

Police Chief Robert Snell recommended that the board renew the licenses. "All of the establishments have had their operations observed by special investigators during the past

year," he said.

The license-holders are: Machus Red Fox, Strike & Spare Bowling Lanes, Shangri La West, Howard Johnson's, Brandy's, Holiday Inn, Bedell's, Ted's and Beau Jack's.

He said officers had written eight violations during the past year involving holders of package liquor licenses. These are forwarded to the state liquor control commission.

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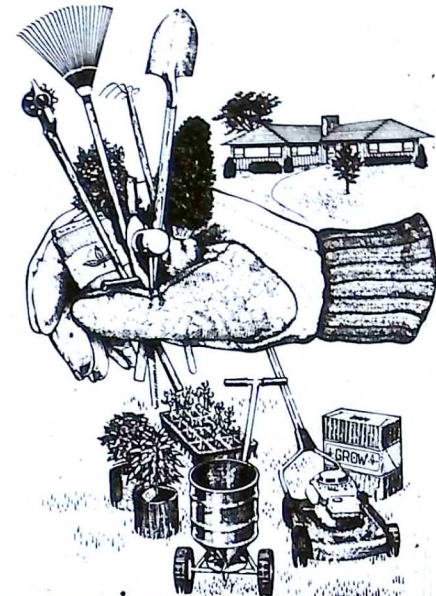
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From our readers

A power play?

Editor:

The opponents of MSHDA and HUD funding are saying they don't like it because we won't have control. All properties will be owned by Baldwin House and come under city ordinances, the same as your house and mine. To say otherwise is a falsehood. Priority to Birmingham residents is assured. We will have control. To say otherwise is a falsehood. Renovating run down houses is a plus. It won't cost us a cent.

We have accepted federal and state funds in the past. We, the city, have federal funds in the bank right now. It has been stated that we don't. "A falsehood!"

State Senator Anthony Derezinski, a Muskegon Democrat, and a candidate for the U.S. Senate, Monday said he is calling a special meeting of Michigan's Intergovernmental Cooperation Commission to deal with the need for more federal aid for Michigan.

The Muskegon Democrat, who chairs the commission, said Michigan sends an average of \$3 billion more to Washington in tax dollars each year than it receives in federal assistance. Shouldn't we have our share?

Beside a power play by opponents, many believe there is a plot by the Hazel Park developer to assist the opponents of Baldwin House, so that the funds will go to Hazel Park. Hazel Park eagerly awaits the prospect of getting them.

The opposition can clarify this rumor by proving it is not true.

LYLE DUNN
Birmingham

Picked wrong week

Editor:

Why did you give us an extra week for Christmas vacation and add it on at the end of the year? What you should have done was leave it the way it was and started our Christmas vacation on Dec. 21 or 22 and ended it on Jan. 3.

Since you gave us an extra week in December, we now have to make it up in June.

If you had to make a choice of having an extra week of Christmas vacation and having to make it up at the end of the year or instead not having an extra week of Christmas vacation and get out of school a week early, anybody would have preferred missing an extra week of cold, Christmas vacation and get out of school a week early into the warm, fresh, summer sunshine.

CHRISTOPHER HILL
Student
Adams Elementary School

Tell the facts

Editor:

Your recent editorial on senior housing is a blatant misrepresentation of the facts published by MSHDA-HUD. Your editorial is unfit for any community because it is not a wholly truthful use by you of the published facts. MSHDA published facts are available on request to any/all citizens: MSHDA letters to Mayor Dorothy Conrad, study session with city commission minutes Jan. 19, 1978 and MSHDA Affirmative Marketing Plan document.

In these public records MSHDA-HUD tells the whole truth and nothing but the truth in very plain readable language:

•MSHDA's rationale is "to implement housing goals set forth by HUD."
•"The Authority and HUD tenant selection requirements are designed so as to obtain in every development a socio-economic mix of tenants."

•HUD and MSHDA occupancy requirements for both senior and non-senior housing is 16 per cent minority, 30 per cent very low income persons/families, 54 per cent low income.

•MSHDA-HUD "does not recognize resident preference."

•Persons working inside city limits have equal preference to citizens.

MSHDA-HUD housing goal is based on state-wide senior housing needs.

•Non-senior housing in Birmingham

is the MSHDA-HUD condition of mortgage financing of senior housing.

•All MSHDA decisions regarding use of Section 8 subsidies are subject to review and approval by HUD.

•MSHDA can decide to take over supervision of local authority (Baldwin Corp.) or appoint a managing director or appoint a majority of directors to the authority's board.

As Governor Romney said in a recent Eccentric edition, "HUD—the history of the federal government's involvement in housing is a failure."

The stated objective of MSHDA Affirmative Marketing is to conditionally force all levels of socio-economic families and persons together to make up a heterogeneous neighborhood and then the state and federal authorities intent is to keep these mixed socio-economic persons inside a common container of neighborhood housing.

Now, Sir, please tell the citizens of Birmingham the facts as published and promoted openly by MSHDA and by HUD.

BILL YORK
Birmingham

Check the facts

Editor:

I wish to take issue with Birmingham City Commissioner Ann Dropiewski's letter which appeared in The Eccentric March 23. I believe she should have checked her own facts before alleging that some one else's statements are untrue. Her statement that the MSHDA-HUD Public Housing Program would possibly open up 150 houses to young people is a mendacious statement.

MSHDA-HUD regulations specifically prohibit 100 per cent occupancy in the senior structure by Birmingham seniors. Baldwin House Corp. must set aside 16 per cent for outsiders. Now 16 per cent of 15 units is 24 plus units leaving 128 units. Some of these remaining units must be used for priority applications from outside Birmingham, such as disabled, displaced or handicapped, also people working but not living in Birmingham. These people would not have houses to sell to Baldwin House Corp.

The commissioner stated these acquired houses could be rented to

(Continued on page 17A)

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editorial opinion

Re-elect B'ham incumbents

Birmingham voters should retain incumbent city commissioners Herbert Ring, Samuel Staples and Arthur Underwood, Jr.

Voters will go to the polls Monday and elect three candidates from a field of seven. Commissioners will serve three years.

The incumbents are vastly superior to the other candidates. The challengers are inexperienced in municipal affairs and three are running primarily on one issue: Dogged opposition to construction of a senior housing center in Birmingham.

Three of the challengers have not served on any city advisory board or commission. Their participation in community organizations and activities is limited. So far, they have only demonstrated an interest in getting elected to the city commission.

None of the challengers offers constructive alternatives to the two senior housing proposals on the ballot. They say scrap the plans and go back to the drawing boards. That is unacceptable. Various groups in Birmingham have worked for eight years to come up with a viable, acceptable proposal for senior housing (see editorial below). The challengers' unfounded, emotional charges about senior housing have seriously damaged their credibility as candidates.

ON THE OTHER HAND, the three incumbents have proven ability on the important issues facing the city. Voters must remember that the candidates they elect Monday will represent them for three years. The successful candidates will continue in office long after senior housing has been resolved.

HERBERT RING has been a member of the city commission for 14 months. He gives the commission expertise in zoning after serving on the board of zoning appeals for 11 years. Ring's attention to detail and persistent questioning of administrative staff have resulted in better services for city residents.

SAMUEL STAPLES was elected to the city commission in April, 1972. He is the immediate past mayor of Birmingham. Staples' conservative, business approach to city affairs has resulted in significant cost efficiencies. His experience and reasoning are needed on a city commission that has several recent additions.

ARTHUR UNDERWOOD JR., was appointed to the city commission in December 1976. He was elected to a one-year term last April. Underwood's deliberate, calm style has been refreshing on a commission where some members speak first and think later. His even disposition and fairness have insured that all sides are heard on controversial issues.

OUR ENDORSEMENT of the incumbents does not mean we are entirely satisfied with the city commission's work. We believe it must make long range plans, initiate changes and not merely react to problems and remove itself from detail work better taken care of by the administration.

But even with reservations about the commission, we endorse the three incumbents. The challengers do not have the backgrounds to serve Birmingham. We urge them to become active in community affairs and perhaps run again for the city commission.

Herbert Ring, Samuel Staples and Arthur Underwood, Jr., should be returned to office.

Vote with caution

Birmingham voters who support Baldwin House's proposed senior citizen center must be careful at the polls on Monday.

Two propositions will be on the ballot. The first calls for issuing general obligation bonds for the city for up to \$6 million for senior citizen housing. The second will assess support for the 152-unit senior center to be managed by Baldwin House, a consortium of local church groups.

Because of possible legal complications, those favoring Baldwin House must vote "no" on the first proposition and "yes" on the second. If both pass, the city may be obligated to go the route of general obligation bonds.

THE ECCENTRIC believes the Baldwin House proposal is best for Birmingham. Local officials will remain with the officials of Baldwin House, who have promised that priority will be given to

Birmingham residents.

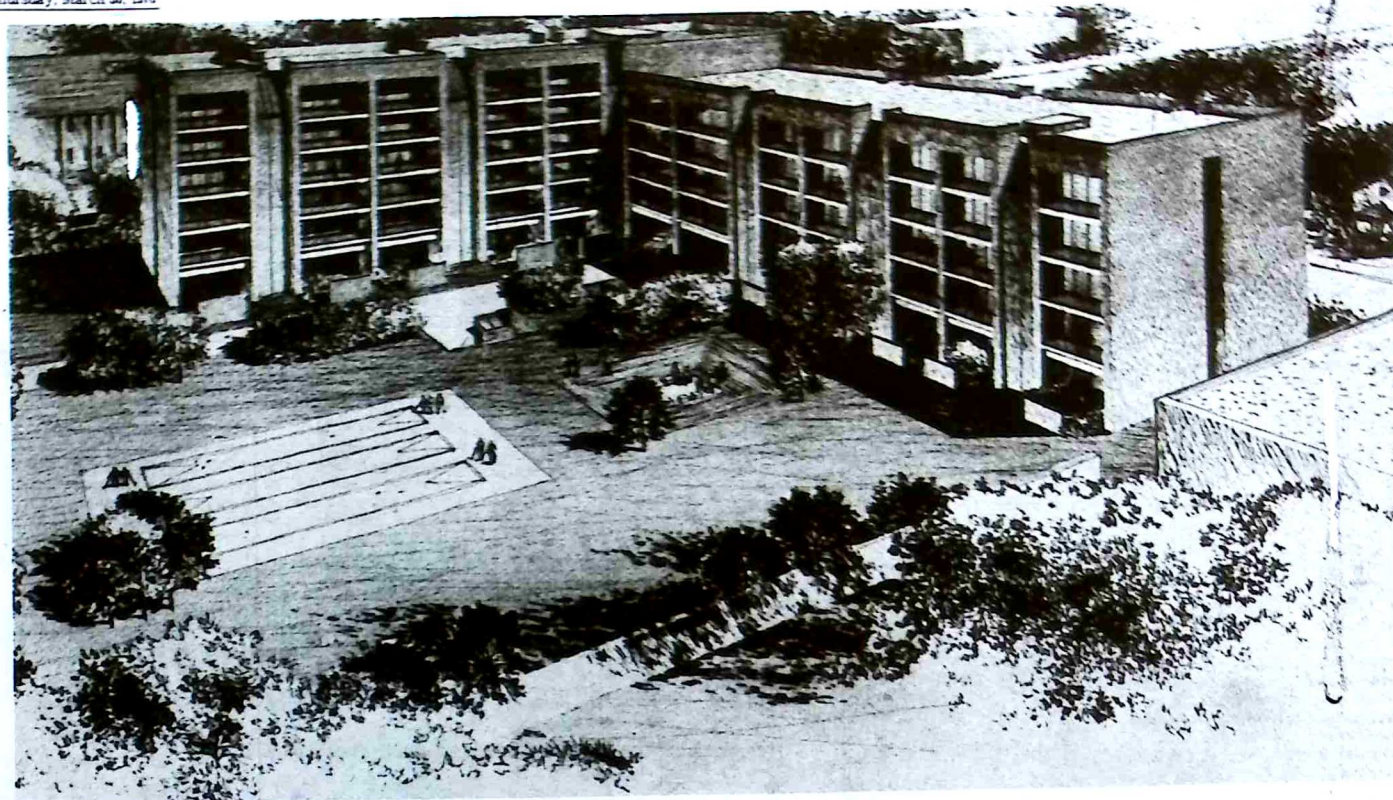
The project will be financed through the Michigan State Housing Development Authority. Rent subsidies for seniors will be paid through the U.S. Department of Housing and Urban Development.

With its limited budget, the City of Birmingham cannot afford to issue general obligation bonds. Thus, the first proposition does not make sense.

Also, if a private developer constructs a senior center in Birmingham, the cost of housing would be beyond the means of most of the elderly.

Thus, the Baldwin House proposal (with government assistance) is the only logical choice for senior housing. Several surveys have demonstrated that there is a need for this project in Birmingham.

Therefore, we urge Birmingham voters to vote "yes" on proposition two. But don't do it without voting "no" on proposition one.



Baldwin House's proposed 152-unit senior citizen housing center has been the object of many debates in Birmingham in the past few months.

Bits of Americana more fun up close

I once met a man in France who said he knew all about America because he had spent time in New York and Hollywood.

We have many seasoned travelers whose knowledge of our country is limited to airports and first-class hotels.

But America is more than that. It is a combination of different people and local customs which cannot be understood until experienced.

Over Easter vacation this year, our family, in its annual celebration of sun worshipping in the South, had its choice: A three-hour antiseptic jet flight; a 24-hour, switch-the-driver-every-two-hours, mesmerizing jaunt down I-75 having all of our needs taken care of within 100 yards of the freeway exit; or venturing out the long way, through the mountains on two-lane roads and seeing the countryside.

We decided to do the last by renting a motorhome.

TRAVELING IN a motorhome is not exactly primitive camping. The unit we rented was 26 feet long, slept six, had a stove, refrigerator, freezer, air conditioning, television, hot water shower, toilet and even cruise control.

While it is big, the unit was easy to drive once you learned how to make wide right turns and had somebody look out the back window when backing up.

Eccentricities

by HANK HOGAN



We stuck to the freeway through Ohio and Kentucky except to venture out into state parks to find secluded places to eat our meals and eat at Colonel Sanders' original Kentucky Fried Chicken establishment.

When we got to Tennessee, we stayed in the Great Smokey Mountains National Park, traveled winding mountain roads with streams trickling by, ate country ham with redeye gravy, hog jowls, collard greens and pork barbecue.

We saw tobacco fields in North Carolina, bought fireworks in South Carolina, passed up the opportunity to buy chenille bedspreads and Jimmy Carter souvenirs in Georgia, and ended up camping in the Florida Keys.

In the Keys we bought stone crab and shrimp from fishermen for our dinner, snorkeled in the reefs and camped by the side of the Gulf of Mexico, dipping into the Gulf five feet away from our motorhome.

CAMPsites ARE available everywhere with water, sewer and electrical hookups. Of course, not all the sites are picturesque. We passed up one located behind a funeral parlor in Key Largo.

We toured the Everglades, walked endless miles of white beaches including one nude beach north of Palm Beach, but also played tennis and ate gourmet meals at fine restaurants along the way.

Because we were on wheels, we were not tied down to any place and moved on when the spirit moved us.

We met many interesting people at the campsites, including a ham radio operator who let our daughter speak to people all over the world.

While we carried a variety of clothes, seldom was a topcoat or tie needed.

AS WE HEADED home, the motorhome was filled with the best of our experiences: bags of oranges and grapefruit, a country ham, pralines, even a palm tree that took up most of the shower stall, mountain taffy, homemade candy, keylime pie, boiled peanuts.

We have seen not just the cement swimming pool in a Florida hotel but little pieces of Americana.

More important, it was a family experience of 17 days of rather close living; everyone shared the chores, whether it be dumping the holding tank or cooking shrimp on a grill by the side of the Gulf, which we all enjoyed doing.

Barbara Underwood writes

Wallpaper stripping glues family

The family that rebuilds a house together uses a lot of band-aids.

If washing dishes contributes to dishpan hands, think what stripping wallpaper, sanding, scrubbing and other similar work can do.

When my daughter Nancy and her husband, Andy Borromey, bought a house in Birmingham in December we all knew it needed a lot of work before they could move in.

But we didn't know that they, my husband and I and often Nancy's youngest sister (also Barbara) would spend almost every Saturday and Sunday for three months redoing the house.

Most of our Saturday lunches for the duration were the last food variety eaten on our laps on the living room floor. Most Sundays we packed a picnic lunch—also eaten on the living room floor.

SOME TIMES WE still can't believe where those weeks went. Nancy's first trip to the house with key in hand resulted in her peeling wallpaper off the dining room in large pieces. It wasn't hard (then) because much of it was hanging loose. It's what was underneath it that was a challenge. . . . four more coats of paint and/or wallpaper. The living room was the same.

For the first six weeks of the project I made a weekend career out of stripping wallpaper—every last little shred of it and it was on there to stay. I won the battle.

Meanwhile, Nancy and Andy decided that somewhere under myriad coats of paint, each one a different color, there was some nice woodwork. They made that their pastime for many weeks until everything finally was stripped.

They had decided to paint one bedroom but by then the spray bottle and putty knife were glued to my hands and I asked if I could (please) strip the wallpaper (another three or four coats alternating with paint) instead of painting over it. I did.

At the same time, closets were rebuilt, the dining room ceiling which was sagging, was pulled down, plaster was repaired and wainscoting in the dining room was replaced.

The Saturday all five of us helped raise the panels of plasterboard ceiling in the dining room is a day we will forget as soon as possible. We continue to marvel that we didn't all collapse under it.

MORE THAN once we went in on a Saturday to find water dripping into the kitchen from the back window because of the ice that had built up on the roof.

The day finally came when we could see that we were making progress and that we were beginning to do instead of undo every time we went.

Staining the newly stripped woodwork, priming

the walls for wallpaper and sanding the bedroom walls for painting gave us all some badly needed encouragement. So did the wallpaper and paint.

Nancy and Andy moved in last week. There is still much to be done, especially in the bathroom, kitchen, back entry and second bedroom. But in the past three months a tired little old house has become a home.

Even Max, a big orange cat, likes his new abode and is settling in comfortably.

All of us are taking satisfaction in a job we believe is well done.

I am no longer coming to work on Monday mornings with knicked knuckles and sore joints, so stiff I can hardly move. But my fellow workers are threatening to set me up in business for anyone who needs an expert stripper of wallpaper. I qualify.

(Barbara Underwood is a staff writer for the Eccentric).

Readers' forum

Griffin

'shallo wness'

Editor:

When Sen. Robert Griffin was defeated as minority leader in the senate, I was disappointed. It now appears that his associates knew him better than his Michigan constituency, and recognized his self-seeking shallowness. It takes a strong and courageous man to buck the know-nothings back home and Sen. Howard Baker has demonstrated that talent.

Griffin is afflicted with the same stupidity the afflicts Ronald Reagan. They don't know the difference between purges (such as Louisiana and Alaska) and treaty negotiations. Sen. Griffin demonstrated an all-time low in diplomacy in his speech to the Economic Club of Detroit in asking why Panama should be picked to run the canal. How about because it's in

Panama and belongs to them for starters?

The United States is just now enjoying an upswing in favorable world opinion. We are losing some of our "bully boy" reputation caused by the Vietnam fiasco. It would be tragic to renew this image by an unthinking public, fostered by self-serving public officials.

THE REPUBLICAN PARTY seems bent on self destruction, especially in Michigan. We have a fine moderate governor who has been re-elected in spite of his party's ultraconservatism. To reverse its strategy and go for Griffin again is supreme folly.

The senator should know that our president is far more aware of the disastrous effects of a defeat of the canal treaties than he is. It is not for President Carter's prestige, but for the United States, that he implores ratification of the treaties.

MARGARET FISK
Birmingham

Vision of the world

Editor:

Many years ago I went to Oregon to visit some relatives. One of them, an ophthalmologist tested my eyes. I said to him, "I'd like my prescription filled with dark lenses."

"Oh, no you don't," he replied. "You would simply be putting cutes on yourself because they would lessen your tolerance of the light."

I was very grateful he told me this because I don't want to do anything that will damage my eyesight.

I asked a highly respected local eye specialist if he would agree with my Oregon relative. "Yes, I could," he said. "Except that when you go to the seashore, you'll need some glasses with dark lenses."

Dark lenses are the thing to have at present. I would guess that about one third or more of people who wear glasses today are looking through dark lenses.

MARY HELEN HOLMES
Birmingham

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from our readers

(Continued from page 15A)

seniors. This is not so if the house has three or four bedrooms.

Another percentage of the senior housing may go to outsiders if Birmingham does not have 30 per cent of its senior applicants who qualify under the very low income limit.

I have nothing against outsiders coming into Birmingham. I merely point out that Birmingham people will not be served as proponents of MSHDA-HUD Public Housing Program would lead us to believe.

I BELIEVE another misleading statement made by the commissioner was with regard to it being the responsibility of every community to address the housing needs of its people by providing low income housing. This statement is contrary to a New Jersey State Supreme Court ruling. It said that fully developed towns, most of them bedroom communities, are not required to make room for low cost housing.

Even MSHDA's philosophy is not directed at communities like ours, but communities where industry has moved to and attracted the white to follow leaving the minorities in the inner cities.

Quoting MSHDA's report of Jan. 30, 1978 to Birmingham the second paragraph of their introduction, I quote: "During the past 10 years, the trend in industrial and commercial growth has been towards suburban areas where land cost are lower and conditions of social and economic blight are less evident than in the older, more crowded central city areas. The residential growth pattern has been similar to that of business and industry. The minority population growth trend, however, has been just the opposite. Minority group persons have not been able to take advantage of the new housing opportunities which have opened up near new and relocated jobs."

"WARREN AND WESTLAND, two suburban Detroit communities which have experienced extraordinary growth during the past decade, dramatically illustrate this point. Warren grew from a community of 89,246 in

1960 to the state's fourth largest city with a population of 179,260 in 1970. The minority population in that city has remained at less than one per cent. Westland, not even listed in the 1960 census, is now the state's ninth largest city with a population of 86,749 and only 3.05 per cent minorities."

I agree there is a need for adequate low cost housing in the afore mentioned cities. But their growth pattern does not fit Birmingham nor does MSHDA-HUD Public Housing.

I believe there is a serious question as to whether taxes will be paid on low income subsidized MSHDA-HUD Non-Elderly Housing. In the MSHDA Act M.S.A. 16.114 (15A) (1) Whenever a housing project is financed with a federally-aided or authority aided mortgage or advance or grant from the authority, then, except as provided in this section, the housing project shall be exempt from all taxes imposed by the state or by any political subdivision, public body or taxing district in which the project is located.

In lieu of all taxes a service charge of 10 per cent of the rent would be paid which seems to be less than normal tax.

Some proponents of MSHDA-HUD Public Housing Program in Birmingham have continually used deception and the suppression of public information in attempting to implement this socialistic experiment. Public letters were withheld from the city commission, figures have been misquoted. These actions suggest the existence of abusive power in our local government.

GEORGE BERTON JACKSON
Candidate for City Commissioner

'Appalling' action

Editor:
I am utterly appalled at the recent request by a Gary Deeb and an Ernest Fuller, who have recently bought the Birmingham and Bloomfield theaters and plan to make the Birmingham theater into a live theater, serving liquor by the glass.

Last Monday night they requested a Class C liquor license from the city commission. Commissioners Samuel Staples and Arthur Underwood Jr.

indicated their approval of such a liquor by the glass license for the theater.

These commissioners are up for reelection next Monday.

With the potential of a live entertainment program every night of the week and some nights two times, have these commissioners thought of what negative effects such a liquor licensing would have on this small, bedroom community?

This city is expanding too rapidly. Birmingham is losing its unique character that made it such a desirable place to live.

By granting a liquor by the glass license to the Birmingham Theater, this current commission will be helping Birmingham into becoming a saloon town.

On April 3, the voters should carefully decide whether they wish to reelect Staples and Underwood, who seem so favorable to granting the Birmingham Theater a liquor by the glass license.

NANCY ELBY
Birmingham

(Ed. note: Commissioner Arthur Underwood Jr. did not take a position on the requested liquor license at Monday night's meeting.)

Emotions aside

Editor:

Let's put aside the emotional arguments between the Baldwin House supporters versus the "citizens for a better Birmingham" and consider a far more significant question concerning senior citizen housing: Is the Baldwin site really suitable for this development?

Many conditions point of the fact that it is not.

1. Tax revenue for the city. Which would be greater, from senior housing or from a commercial enterprise located on this very desecrated site?

2. Cost of constructing a new building versus remodeling an existing structure for housing purposes. Professionals indicate that remodeling is 50 per cent less.

3. Location for seniors who drive and those who walk. Let's consider the safety of a "close in" residential neighborhood versus Ring Road congestion.

Please reflect on all of these questions and then join me at the polls on April 3 with a resounding "no" vote on both proposals.

JOAN LYMAN
Birmingham

More on suburbs

Editor:

I've just returned from vacation and had a chance to read Hank Hogan's column entitled: "Maligned Suburbs Aren't so Sub Today." I find it most encouraging that someone recognizes the facts set forth and is willing to go publicly on record with them.

One of the problems confronting us in the transportation field is that government programs tend to emphasize situations that no longer exist. The emphasis on pouring money into cities at the expense of suburbs is one example.

In fact, as Hogan notes, the cities are no longer relied on to provide urban services; such services are being provided by a wider urban area. The traditional function of "cities" to provide jobs and cultural opportunities is being carried on by a great many communities in urban areas. The whole is not decrepit.

As Hogan points out, if we can get over this idea of "sub" and "urb" in the traditional sense and begin to view metropolitan areas as a whole, we will be much better able to provide realistic programs.

It is unfortunate that the statement that this will not happen until strong suburban leadership can balance "entrenched" central city power is also too true. Few people care enough

to look at the facts, preferring to be guided by the power.

JOHN L. GRUBBS
Managing Director
Board of Road Commissioners
Oakland County

Drive needs help

The Birmingham-Bloomfield Metropolitan Club of America Inc., Spirit No. 9, is presently soliciting for ads in their annual book.

This is a practice they have had for many years to raise funds to future promote interest to new members and to give to various charities, mainly locally. With so much soliciting going on now days from different organiza-

tions it is becoming more difficult to know if your contribution is going to a local club or not.

If you would like to participate with a contribution, ask to see our last book that was published. The Metropolitan Club is a club of police officers, fire fighters and post office employees. Not everyone is a member, but they are eligible to be one if they so desire.

Also, at this time, I would like to "thank" all the people who were thoughtful and dropped off clothes, toys, and money for the needy during the Christmas season at the Adams Fire Station and Chesterfield Fire Station in Birmingham. They were all distributed to needy families.

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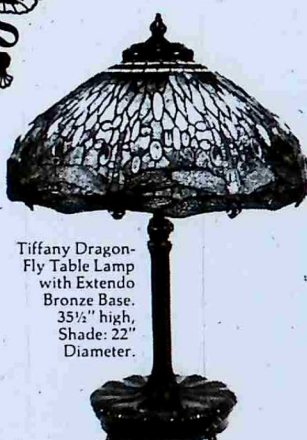
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The Eccentric

Birmingham-Bloomfield Edition

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Volume 100 Number 92

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GARRETT BROWN, whose parents are Mr. and Mrs. Rodney Brown of Bloomfield Hills, will receive an Oscar at tonight's Academy Award ceremonies. This is the first time in 10 years that the technical award has been given, and the 36-year-old Brown will be honored for his Steadicam-35 (Stabilized 35mm Motion Picture Camera System). Brown lives in Philadelphia where he has a film studio, the Moving and Talking Picture Co. He has been filming in England, but will be in Los Angeles to receive his Oscar. Steadicam-35 holds the camera steady so the photographer can take pictures even while running.

DAN DEBOER, Youth Program Director of the Birmingham YMCA, reports that his phone has been ringing off the hook with inquiries about the Trailblazers, a dad-and-child organization, featured in an Eccentric article two weeks ago. As a result of the publicity, DeBoer said two new Trailblazer groups have been formed.

GIRLS' BASKETBALL is growing more popular every year. Janice Morganroth, community education coordinator for Franklin, reports that there is more interest in girls' basketball than any other class. "I can offer them anything," Ms. Morganroth said, "ballet, dance, but what they want is basketball. In fact, the basketball class organized in one day. Normally I have to set up publicity and wait for responses. One day a group of girls came to me and said they wanted a basketball class. It was filled in one day."

DO YOU have an interest in the occult or parapsychology? A new group, Alpha Omega, has started in a house at 352 N. Woodward in Birmingham. What is Alpha Omega? After looking at the literature, we aren't sure. But a man who bills himself as the Rev. Hal Powell (the director) writes, "The purpose is simply allowing our work to demonstrate a loving, New Age approach to integrating an understanding of mind, body and spirit." Monday night lectures are scheduled on Health and Long Life, Winning Through Yielding, Therapeutic Massage and Dream Interpretation. Does it make any sense? If so, Alpha Omega may be for you.

THE SEVERAL men who are slowly cruising the streets of Birmingham on Wednesday evenings don't have any nefarious purposes. They're just waiting and looking for their wives. Jerry Martin, antique dealer and popular appraiser, gives a class in antiques at the Village Motor Inn Wednesday nights at 7 p.m. The lectures have been so entertaining that students don't want to leave until long after the class would normally be over. Almost as many dealers as beginning collectors are in the class, and all find Martin's words of wisdom on buying and recognizing the real and fakes, too good to miss.

YOU MAY be hearing more from the Brookside Jazz Ensemble in the next few months. The 21-piece group, one of the most popular in the area, has been asked to provide the music for the opening show of the Birmingham Theatre May 18. Comedian David Brenner is kicking off the conversion of the film theater to a theater of live entertainment. The Brookside Jazz Ensemble also has been signed to back up the upcoming appearance of Lou Rawls at the theater.

Commission, housing stand test at polls

Thousands of Birmingham residents Monday are expected to decide the fate of senior citizen housing in the city.

A large voter turnout is expected at the polls during Birmingham's annual city election.

The polls open at 7 a.m. and close at 8 p.m.

The city's controversial senior housing issue, which has mushroomed into a recall drive against most of the city commission, is the lone ballot question facing voters.

Residents will also elect three city commission members for three year terms.

Three incumbents and four challengers are vying for election.

Incumbents Herbert Ring, Samuel Staples and Arthur Underwood Jr. are being challenged by Gary Kain, George "Bert" Jackson, Bart Johnson and Bill York.

THE HOUSING issue has divided the candidates and many city residents.

Voters will settle the controversy by deciding how senior housing should be financed, if built.

The first ballot proposal asks if Birmingham should issue up to \$6 million in general obligation bonds.

It is currently estimated that taxpayers would pay two mills (\$2 per \$1,000 assessed valuation) annually to retire the debt and pay operating costs. The debt would be retired over 30 years.

City taxes would be used to subsidize rents in the housing complex, planned for the northwest corner of Chester and Merrill. The city would own the project.

THE SECOND ballot question asks if residents favor construction of sen-

ior housing by the non-profit Baldwin House Corp. Financing would be obtained through the Michigan State Housing Development Authority (MSHDA) and use no local taxes.

The U.S. Department of Housing and Urban Development (HUD) would supply rent subsidies.

Baldwin House would also buy, rehabilitate and rent 50 single family homes to low and moderate income families to obtain senior housing financing.

BIRMINGHAM'S ELECTION Monday will be followed by a recall election May 8.

The election was called after residents successfully petitioned for a vote aimed at ousting six of the city's seven city commission members.

Incumbents Staples, Ring and Under-

(Continued on page 4A)

editorial opinion

Vote yes on 2, incumbents

It is unusual to run an editorial on the front page. But these are not usual times. Birmingham has an election today.

Perhaps, it is Birmingham's most important election since 1968 when voters narrowly approved Michigan's first open housing ordinance.

When all the emotional charges of the campaign are evaluated, Birmingham residents will decide: Will the city have senior citizen housing?

Only with voter approval of ballot question no. 2, will Birmingham have a feasible senior citizen housing project. It's that simple.

Question no. 2 calls for the construction of a 152-unit center to be managed by Baldwin House, a non-profit, local group of churches.

Baldwin House would use state assistance to finance the project. Federal subsidies would be available to help tenants pay rent. Baldwin House would also purchase and rehabilitate 50 homes for low to moderate income people to fulfill state requirements.

But Baldwin House would own all the properties. It has promised that first priority in housing will be given to Birmingham residents. We see no reason why that promise will not be fulfilled.

Question no. 1 calls for authorizing the city to borrow up to \$6 million for senior

housing. Since the city is not in the financial position to finance a senior center, this method will not work.

Voters must reject the first question and approve the second. Because of legal technicalities, it is not enough to ignore the first proposition and approve the second.

AT THE SAME TIME three candidates will be elected to three year posts on the city commission. Unfortunately, the senior housing issue has overshadowed the commission campaign.

Four candidates are challenging incumbents, Herbert Ring, Samuel Staples and Arthur Underwood Jr.

The challengers are unqualified to serve on the city commission. They have based their campaigns on opposing the senior housing project. Three of the four have no record of serving Birmingham, either on a city board or community organization.

The incumbents had long records of community service before they were elected. Since taking office, they have served Birmingham well.

For these reasons, this newspaper believes:

- 'No' question one, 'Yes' question two.
- 'Yes' Herbert Ring, Samuel Staples and Arthur Underwood Jr.

If it helps, take this editorial to the polls with you.

Ms. Cop: She gets the beat of police job

By BARBARA ARNOLDUSSEN

Siren wailing, the Birmingham police car chased a suspected felon with speeds of 80 to 90 miles per hour through rush hour traffic on Woodward Avenue. After turning onto La Lake Road, the suspect rammed his car into the car of a Bloomfield Hills officer and a Rolls Royce.

Undaunted, the suspect fled on foot, but was soon apprehended by the Bloomfield Hills policeman and Birmingham's first woman police officer, Reni Lelek. She lives in Rochester.

"It was the first time on the beat that I felt my adrenalin surge," recalled Miss Lelek of the incident four months ago. She became involved when on a regular patrol, a downtown store detective viewed her over. He explained he suspected the man of shoplifting, and Reni began her pursuit.

But the average shift of a Birmingham police officer is not filled with such action-packed drama. During the first four hours of last Thursday's shift, no criminal activity or even traffic accidents were reported in Birmingham.

Miss Lelek patrolled the area of Birmingham west of Woodward in a random pattern, including in her beat houses where the owners had requested special surveillance.

She stopped to assist a man using jumper cables to start a disabled car. As soon as she radioed for a private tow, the car's engine started.

Several residents asked for directions to the Secretary of State's office.

Last Friday's deadline for license plate tabs will make the only change in her working habits, as she completed the first year probation status imposed upon all new police officers, April 7.

"We're going to be on the lookout for cars not having the new license tabs on their plates," she said. "I don't understand why people wait until the last minute. I put mine on right after they were issued in November."

ON THURSDAY MORNING, the only time she needed to use the siren was to stop a woman whose car's commercial license plates had not been updated.

"The eyes of the community are always on us," she said. "So we have to be careful to spot any illegal parking." The major portion of that job is handled by Birmingham's four professional assistants.

"And we're careful to obey all the traffic lights and signals," she continued. "Citizens wouldn't like the idea that we would stop them, for something we might do ourselves."

Although the shift was quiet, the patrol was interesting to Miss Lelek. "I really enjoy looking at the restored houses in Birmingham," she said. She drove slowly through residential streets, surveying the area for unusual activity. "If I ever get married, I'd love to live here. It's beautiful."

But the 26-year-old police officer is enjoying her single status and the freedom to travel that she can enjoy. Recently returned from a trip to California, she plans a trip to South Carolina to celebrate her May graduation from Madonna College.

She will receive a bachelor's degree in criminal justice, and hopes to enter a local university for a graduate degree.

A graduate of the Detroit College of Business after a year at Michigan State University, Miss Lelek worked as a court clerk for the City of Dearborn for six years.

"The eyes of the community are always on us," police officer Reni Lelek.



Look out below

Bobby Machus, 8, may look like he is worrying about a tennis ball dropping on his head. Really, he is merely enjoying last week's spring-has-finally-sprung weather. He was competing with his five-year-old brother, Eric, during a hardfought game at Midvale Elementary School. The object of the game was to wrap the tennis ball with chord around a pole.

WHEN THAT JOB ended, she applied for a position as a secretary to an attorney in downtown Birmingham. She explored city hall, and saw a bulletin board advertising for a police dispatcher and a police officer. Since the need for a dispatcher was immediate, she was hired. "They carefully explained to me that being a dispatcher would give me no edge over being hired as a police

officer," she recalled. But after written and oral tests and lengthy interviews, she was the top candidate for the open position on the force.

Patrol Sergeant Keith Pennington, Miss Lelek's immediate supervisor, remembered his initial apprehension at the hiring of a woman to complete the all-male force.

"We were wondering what the reaction would be," he said.

(Continued on page 4A)

Hills voters will elect 2

Bloomfield Hills voters will go to the polls Monday to name two city commissioners.

Two incumbents and one challenger are running in the race for two two-year terms on the commission.

There are no ballot propositions fac-

ing Bloomfield Hills voters.

Those seeking election as commissioners are incumbents Joseph Dalek and John Fauver and challenger Michael Glimme.

The polls open at 7 a.m. and close at 8 p.m.

inside

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Life or death

Who should make the decision when a life is continued by machine or ended? A proposed state law would allow you to appoint an agent to say the final word. The agent would hold your life in his hands. For more on the proposed bill and reactions to it, see page 1B.

up petitions for the one four-year term that is expiring on the Bloomfield Hills board. Incumbent Lawrence Flora has said he will seek reelection. He could not be reached for comment Friday.

The deadline for filing nominating petitions in both districts is 4 p.m. April 10.

William Frever, 1543 Hazel; Peter Cartwright, 940 Riveroak, and Catherine Burns, 31065 Marlin Court, are circulating petitions in Birmingham.

Mrs. Sipple, a past president of the Parent Teacher Student Association and active in state PTA activities, said being a candidate was something she had "thought about for a long time."

"I would rather support a good candidate than run myself," she said. "It is important to have knowledgeable people. I will run depending on who declares."

While the furor raged, work progressed on the reservoir. The concrete foundation had been laid even before the June vote on the bond issue. By early August the sections of the steel tank had arrived by railroad and hauled to "the gully back of the pumping station" for assembly.

Then word spread that the manager of the Michigan Inspection Bureau had said that Birmingham could continue its current insurance rate for fire protection only if the "water shortage is relieved." Otherwise insurance costs would go up.

The town was in trouble. And there was more to come.

(Jervis B. McMechan is the author of the historical account, "The Book of Birmingham.")

hudson's



4A (B)

Monday, April 3, 1978

Best of Birmingham-Bloomfield

JOHN MOREN of Birmingham has been named general chairman for the annual meeting of the Clinton Valley Council, Boy Scouts of America. Moran also serves as an executive board member for the Scout Council.

MARCY WAZE of Birmingham appeared as Becky Thatcher in the Marietta College production of "Tom Sawyer," which was presented by the drama department. Ms. Waze is a drama major at the college. She is a 1974 graduate of Seaholm.

ARLENE JOHNS of Bloomfield Hills has joined the faculty at

Madonna College in Livonia to supervise student teachers in the education program. She formerly did this as a member of the faculty at Michigan State University.

LLOYD A. RAWLEY, Ridvan Akkurt, Samir Bhatt, Megan A. Devlin, Mark A. Voepel and Nigel Ward of Birmingham and Curt J. Cutler, Christopher J. Bishop and John H. Poulin of Bloomfield Hills are winners of the 21st annual Michigan Mathematics Prize Competition. The winners were determined through a two-part testing program. More than 24,000 students took the initial examination last Octo-

ber. The top 1,082 students were re-examined in December. The final 110 students were determined from this test and invited to the awards banquet.

CAROLYN E. SMITH, daughter of Mr. and Mrs. Richard Smith of Birmingham, will graduate from the University of Michigan in April from the literature, science and arts college. She has also been invited to attend the honors convocation. Ms. Smith is a member of Alpha Delta Pi sorority and the University Choral Union.

NATHAN RICHARD SKIPPER III, son of Mr. and Mrs. Nathan Skipper II of Birmingham, recently joined the Army delayed entry program. Pvt. Skipper will graduate from Andover High School in June and go on active duty in August.

JOHN P. DRYDEN of Bloomfield Hills will be featured bassist in an April jazz quintet concert at Berklee College of Music, Boston, Mass. Dryden is majoring in composition.

CECILE D'ASCENZO BOWMAN, daughter of Mr. and Mrs. John D'Ascenzo of Birmingham has been named to the dean's list at Barstol-

lege, Lake Forest, Ill. Mrs. Bowman is a junior at the college.

PATRICK J. COYNE, Marine Lance Corporal, has returned from a five-week Caribbean tour of duty. The son of Marilyn J. Coyne of Birmingham, he is a member of Battalion Landing Team 1/2 based at Camp Lejeune, N.C. Coyne is a 1976 graduate of Groves High School and joined the Marines in February 1976.

KEVIN WARNER of Birmingham earned a varsity letter in soccer at Olivet College this year. Warner is a sophomore at Olivet majoring in English literature and minoring in music.

TIMOTHY HSU and **ANTHONY N. VETTRAINO JR.** of Birmingham graduated in March from the Michigan State University's College of Human Medicine. Dr. Hsu completed his undergraduate work at Harvard where he received his AB in special studies. Dr. Vettraino did premed work at Oakland University and the University of Michigan where he received a BS in zoology. (Items for the Best of Birmingham may be sent to the editorial department, The Exponent, 1225 Bowers, Birmingham 48012.)

Cop finishes rookie year

(Continued from page 1A)

tion of her fellow officers would be, after we hired her. It's apparent to me, that they have accepted her.

"She handled herself well, and she's doing the job very satisfactorily," Pennington added.

Miss Lelek said she had been accepted by her fellow patrolmen. "When I'm dispatched to do back-up duty for another officer, they don't

send a man to back me up," she explained with a smile.

But the reaction from people who have been ticketed has not been entirely enthusiastic.

"Sometimes, when I make a traffic citation, I sense hostility on the part of the person I've stopped. They give me the idea they don't think a woman should be in uniform."

Housing fate to be decided

(Continued from page 1A)

wood will not be affected by a recall vote if re-elected Monday.

Polling precincts in Birmingham include: 1) Chestfield fire station; 2) Holy Name School; 3) Adams School; 4) city hall; 5) the Birmingham Center

for Continuing Education; 6) Adams fire station; 7) Grand Trunk station; 8) Seaholm High School; 9) Pierce School; 10) YMCA; 11) Torrey School; 12) Adams School; 13) Quanton School; 14) Midvale School; 15) YMCA; 16) Pembroke School.

3 seek election to library board

Three people are running unopposed for seats on the Baldwin Public Library Board. Birmingham voters Monday will elect three board members.

Georgia Hurley Kurz and Harold F. Powell are running unopposed for three-year terms. Diane M. Gunn faces no challenge for a one-year term.

Way School plans supper

The Way Elementary School Parent Teacher Organization will sponsor a pancake supper from 5:30-7:30 p.m. April 10 at the school, 765 W. Long Lake Road, Bloomfield Hills.

The menu will include pancakes, sausage, applesauce and ice cream. Ticket information may be obtained from the school office, 642-2820.

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Gifted group sets meeting

The April meeting of the Oakland Association for the Gifted and Talented will be held at 8 p.m. Wednesday at Detroit Country Day School, Lahser and Thirteen Mile roads, Beverly Hills.

Richard Schlegel, Ph.D., Country Day headmaster, and Jerry Hansen, assistant headmaster, will discuss the school's program for gifted students.

The nominations committee will present the slate of officers for the 1978-79 year and nominations can be made from the floor.

Entries for the association's first magazine are due Friday.

Additional information and entry forms may be obtained by calling 335-9334 or material may be sent to P.O. Box 1011, Birmingham, 48012.

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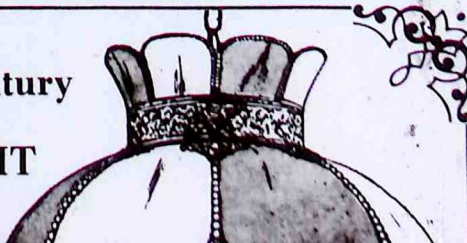
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Is Birmingham senior housing dead?

By MARY CONNELLY-SZCZESNY

Whether Birmingham will have a senior housing project continues to rage in the city.

City commissioners ousted at the polls Monday and those who campaigned for housing proposals defeated by voters claim that senior housing in Birmingham is dead.

Newly elected commissioners deny that and say they will work for senior housing acceptable to residents.

Voters on Monday overwhelmingly rejected two senior citizen housing proposals.

The first ballot issue, calling for a \$6 million bond issue to finance housing, was pummeled by voters; 5,900 voters said "no" to the proposal to use city taxes to build the project and subsidize the rents. Only 615 favored the plan.

The second proposal was also rejected. That one called for the Michigan State Housing Development Authority (MSHDA) to finance the project. Up to 50 single-family houses would have been rehabilitated and rented to low- and moderate-income families in order to obtain the financing.

The plan went under when 4,564 residents voted against it. Only 1,772 voters backed it.

THE HOUSING controversy has divided the city in recent weeks and was behind the ouster of three incumbent commissioners who had supported the state-financing proposal.

See related stories, precinct results on page 6A, editorial on page 16A

During the bitter campaign, both sides charged the other with distorting the facts about the housing plan.

Mayor Dorothy Conrad said this week that the defeat of both ballot proposals signaled the death of senior housing in Birmingham.

"I believe because of the outcome of the senior housing issue and the candidates that senior housing is dead," Mayor Conrad said. "I can't see it right now. I don't know where we'd go. I don't know of any way to fund it."

The city has spent eight years studying possible ways to build and finance the project, she added.

"I THINK it's dead," agreed ousted Commissioner Arthur Underwood Jr. "I don't think this (newly-elected) group wants senior housing."

"Obviously, they don't want government intervention," said defeated Commissioner Samuel Staples, referring to the state-financed project. "I guess they don't want senior housing either."

But all three newly elected commissioners denied the charges.

Asked if senior housing was dead, William York responded, "Of course not. It's just starting."

He said he would favor an in-depth study to determine what senior need in Birmingham.

Some seniors, he suggested, might want assistance to remain in their own homes. Any plans he favored would be carried out without state or federal money, he added.

GARY KAIN, also newly elected at the polls Monday, agreed.

"It's not dead," he said of senior housing. "We're going to explore other areas without federal government strings."

"I feel we should serve the kind of people we have and find out what their individual needs are," said new Commissioner George "Bert" Jackson.

"Initially, we should have an unbiased study to determine what their real needs are. Based on that, the next thing would be to seek a building proposal based on those findings and that would meet the site restrictions and be compatible with the surroundings."

BIRMINGHAM NOW has a contract with the nonprofit Baldwin House Corp. to build and manage a 150-unit senior housing complex on the northwest corner of Chester and Merrill.

That contract expires May 6.

Corporation Vice-President Glenn Asquith Jr. said Tuesday a meeting with the Baldwin House attorney will

be held "to consider the alternatives for future actions."

"Unfortunately, the real losers of this election are the senior citizens who have waited so long for Baldwin House to be built," Asquith said. "High rents are pricing them out of this community, and the present efforts to provide a decent, affordable place to live for those who helped to build this city are now in jeopardy."

DURING THE campaign, the three newly elected commissioners had indicated they favored rebidding the senior housing project.

Asquith said Tuesday Baldwin House does not expect to sue the city to retain the contract and build senior housing.

"I don't believe a lawsuit would be one of the options," he said. "It's not productive."

"Despite the outcome of this election, I still believe in this town and in its ability to make a creative response to the situations it faces," he said.



Birmingham Mayor Dorothy Conrad, election results in hand, answers questions from reporters.

Newly elected Birmingham commissioners George "Bert" Jackson (left) and Gary Kain celebrate their victory after polls close Monday. (Photos by Cynthia Abatt)

Charity: Beverly Hills ordinance would limit solicitors

By JOE MARTUCCI

Charitable groups wanting to ask Beverly Hills residents for donations may soon find the going a little rougher.

That's because village officials may have solved the long-standing problem of regulating charitable solicitations.

Council members have been grappling with the issue for months. It surfaces often at council meetings, when officials consider requests from charities that want to go knocking on doors for money.

Residents have complained about this, but until Monday, council members had been unable to devise a solution.

After surveying homeowners' groups and weighing a number of proposed restrictions, council members directed the village attorney to draft a new ordinance.

It would have the following major provisions:

- All charitable groups must gain council permission before soliciting. The request must come from a village resident affiliated with the group, or it must be accompanied by a homeowner's recommendation.

- Only village residents can do the actual soliciting.
- Soliciting will be limited to three days. And it can be done only during daylight hours.

VILLAGE ATTY. Thomas Dillon Jr. advised that the measure might be difficult to enforce, but officials said they wouldn't worry about enforcement until it becomes a problem. Dillon said he thought he could have the ordinance ready for review by the next council meeting—on April 17.

Most of the restrictions were suggested by Councilmen Allan Hoover and Robert Stansberry.

Council President Thomas Kaueck had surveyed subdivision homeowners' groups prior to Monday's meeting. He said most residents wanted some reasonable control over solicitations and suggested the need for permits and time limits.

The major advantage of the proposed ordinance, officials said, is keeping solicitations on a local level. Groups lacking local members couldn't ask for money and homeowners would know those who solicited.

One subdivision association officer, Ted Zamonski, offered another suggestion. He said the council should appoint a committee to screen the requests.

"I called 12 people (in the subdivision) and I got 12 different answers," said the Beverly-Golfhurst resident.

Zamonski's counterpart in Nottingham Forest, Ed Riley, frowned on a suggestion that each subdivision appoint someone to handle all solicitation requests.

"We have block hostesses in our association, and I don't think the board (of directors) would be in favor of asking them to take on this responsibility," said Riley.

MEANWHILE, the council took action on two pending soliciting requests.

Approval was granted the Muscular Dystrophy Association to conduct a door-to-door campaign on June 4 from 5-9 p.m.

But another request, from the National Asthma Center, was tabled. The asthma center wants to solicit during the entire month of May.

3 newcomers assume reins

Backed by a grass roots organization, three political newcomers will join Birmingham's seven-member city council.

Three incumbent city commissioners were ousted at the polls Monday after a hard and bitter fight over senior citizen housing.

Even the aftermath of the campaign has been marked by charges of racism, smear tactics and lies.

Voters Monday turned out of office commissioners Herbert Ring, Samuel Staples and Arthur Underwood Jr. All three had supported a controversial senior citizen housing plan that would have required Birmingham to provide low- and moderate-income rental housing.

In the wake of the incumbents' overwhelming defeat, three newcomers have been swept into office after campaigning against the controversial housing plan.

George "Bert" Jackson, Gary Kain and William York will be sworn in Monday, and each will serve three years on the commission.

The three-man coalition beat the incumbents and an independent candidate, Barton O. Johnson, by relying on a corps of volunteers and a lot of personal contact with voters.

"I FEEL fantastic," said top-vote getter York, who pulled in 3,115 votes. "The power is back in the hands of the people. You're going to have a responsive and responsible government."

York and Kain did not join the crowd at city hall Monday who watched the votes being tallied.

Instead, both tossed victory parties. Nancy Elby, an Aspen street resident, who led the anti-housing campaign, was jubilant.

Ms. Elby in November launched an

opposition movement considered responsible for the ouster of the three incumbents and the defeat of the housing plans at the polls.

She also successfully petitioned for a recall election aimed at turning out of office three other city commissioners. That election will be held May 8.

"I FEEL terrific, the best I've felt in six months," Ms. Elby said Monday night. "I think the people were very much concerned with the issue and they made themselves educated and informed."

Ms. Elby said she has not decided if she will be candidate for the commission if a vacancy is created by the recall election.

If there was laughter and jubilation at the victory parties, it certainly wasn't matched at a gathering of incumbents and pro-housing forces.

(Continued on page 2A)

Township family overcomes guilt

Guilt makes people do strange things. Just ask Midge and Jerome Mills of Bloomfield Township.

The Mills, a husband-wife pharmacist team, are raising three baby squirrels in their home. It's not that they think the furry creatures make particularly good pets, because they don't. They just feel responsible for their welfare.

About four weeks ago the Mills family heard strange noises in the attic of their northern Michigan cabin. The family hadn't visited the retreat all winter, so Mills investigated.

"We found that a couple of squirrels had moved in over the winter," recalls Mrs. Mills. "They had made themselves a cozy spot in the attic."

They decided quickly that the unwanted guests had to go. "They are destructive animals," says Mrs. Mills. "They'll eat through wood and screens and electrical wiring. We carefully got them out, but they almost scared my husband to death."

So far so good. But as Mills began removing the nest, assembled carefully from insulation, he discovered it wasn't empty. In the bottom was a newly born litter of five squirrels.

THAT'S WHERE the guilt comes in.

"We felt terribly guilty, having chased off the parents. All five would fit in the palm of your hand," says Mrs. Mills.

She concedes that the newborns weren't lovable-looking at the time, but the Mills brought them home and have been raising them ever since.

"They were ugly and hairless. You could see right through their skin."

Caring for the animals has proved to be a pain.

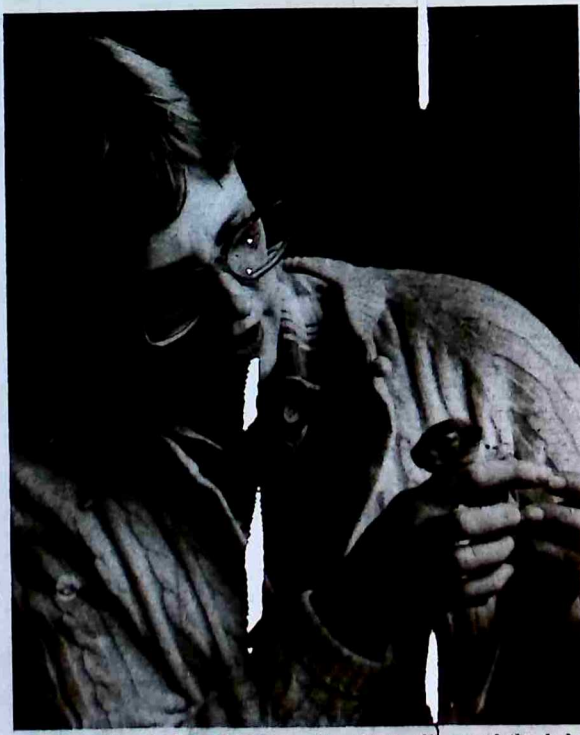
"We started feeding them milk from a dropper. Then we called a veterinarian at the humane society and he gave us a formula. Squirrels have to be fed every three or four hours and once during the night. It's getting to be a real drag, getting up at 3 or 4 a.m."

"I've gone to every library in the area and taken out every book on squirrels. We got lots of help from the humane society, but they didn't give us much hope for success."

Two of the squirrels died, but the others are thriving. Mrs. Mills has them eating cereal. Their home is a cardboard box with an electric heating pad around the outside as a substitute for the mother's warmth.

Meanwhile, the squirrels have been adopted as sort of unofficial mascots.

(Continued on page 2A)



Midge Mills of Bloomfield Township shows off one of the baby squirrels she has been raising for the past few weeks. (Staff photo by Stephen Cantrell)

School board races are anybody's guess

By BARBARA UNDERWOOD

Until nominating petitions are filed on Monday, it is anybody's guess how many board of education candidates will surface in both Birmingham and Bloomfield Hills.

Eight petitions had been taken out in Birmingham and two in Bloomfield Hills by Tuesday afternoon. They must be filed by the 4 p.m. deadline Monday

for candidates to be on the ballot in the June 12 election.

Two four-year terms will be open on the Birmingham board and one four-year term in Bloomfield Hills.

Donna Hartwig and Janet Johnson are not seeking re-election in Birmingham. Board President Lawrence Flora plans to run for his third four-year term in Bloomfield Hills and is circulating

(Continued on page 2A)

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Franklin police study makes waves in village

By JOE MARTUCCI

A nearly-completed study of Franklin's police department is already ruffling a few feathers.

Village Council President David Klein made it clear at a special council meeting that he wants Police Chief Frank Wilson to implement the study's expected recommendations, assuming the council agrees with them.

At stake, Klein implied, was Wilson's job.

Klein mentioned that differences between the chief and officers had led to a "morale problem" in the department last year, although he said the friction had been abated.

Nevertheless, Klein warned that "it will be necessary to make a change" if the village's chief law enforcement officer for seven years cannot implement the police study and follow council directives.

Klein added, however, that he did not "anticipate that this will happen" and called Wilson "a very dedicated person."

The council president made the comment—describing it as a "caveat"—while announcing the reappointment of Wilson for another year.

The police study, launched in February, is being done free by manage-

ment consultants at Plante & Moris, an accounting firm.

OFFICIALS stressed when they asked for the study that they had no particular complaints about the department's operation, but wanted to see if efficiency could be improved. It's the first study of its kind in Franklin and officials said they lacked information on police operations.

The study, is also expected to address a number of issues other than department efficiency. These include Franklin's contract to provide police protection to Jingham Farms and how a new chief will be selected after Wilson, who is 64, retires.

The study will be made public, but probably after the council discusses it in closed session, since it involves personnel matters, predicted Councilman William Herrick.

Klein made a number of other assignments at last week's special meeting. It was the first session of newly-elected trustees John Verdon and Robert Thompson.

AREAS OF responsibility for village officials during the next year follow:

•Peter Bertelson, trustee: liaison to Bingham Farms and Southfield Township and village engineers; supervisor

of roads and street signs; and supervisor of sewer and drain engineering.

•Thompson: liaison to Concerned Citizens of Franklin, fire department, library board, planning commission and public schools; parliamentarian and supervisor of rubbish and trash collection.

•Verdon: liaison to Michigan Municipal League, zoning board of appeals and police department study and

supervisor of insurance.

•William Herrick, trustee and deputy treasurer: budget and fiscal director; liaison to accountants and office staff and supervisor of sewer and drain financing.

•Stewart Katz, trustee, charter revision: liaison to Franklin Community Association and village attorney, ordinance revisions and police union bargaining.

•Virginia DeBenham Rodgers, trustee and president pro-tem: bicycle and bridge paths; control of Dutch Elm Disease; liaison to building department, historical commission and the Quorum and supervisor of village buildings and grounds and parks and recreation.

Mrs. Rodgers and Clerk Sharon Riley will serve as liaisons to the pub-

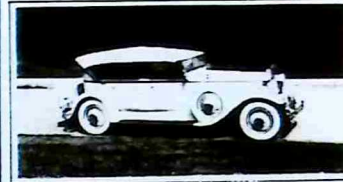
lic Klein will continue as police department liaison.

Helene Isenberg will edit The Quorum, a council publication. She is taking over from Carmina Brooks Tussell, who resigned.

Building inspectors Charles Ugoch and Warren Van Fleet, the law firm of Michael Feiler P.C., auditors Janz and Knight and accountant Philip Berry were all reappointed.

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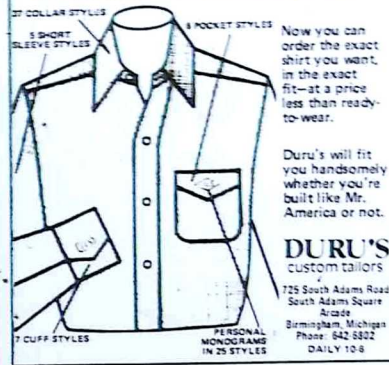


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Challengers oust trio

(Continued from page 1A)

who met at the Machus Sly Fox after the vote.

Samuel Staples, one of the senior members of the commission who had served since 1972, said he didn't know if he would run in future elections.

"It's too early to tell," he said. "However, I will certainly be active and continue to support Birmingham."

Former Commissioner Ring, however, indicated Monday he would run for election again. He said that if a vacancy is created by the recall election May 8, he will seek another term on the commission.

A BRIEF city commission meeting held before the votes were counted

10 candidates take petitions

(Continued from page 1A)

lating nominating petitions. Also circulating petitions in Bloomfield Hills is Robert Casalou, a 1977 graduate of Lahser High School. Casalou is a student at the University of Michigan.

TWO OF the eight persons who have picked up nominating petitions for the Birmingham race have not been identified. School district procedure is to not release names until the petitions are filed.

The six known to have filed petitions are William Frever, 1543 Hazel, Birmingham; Peter Cartwright, 840 Rivewood, Birmingham; Jackie Sipple, 2800 Bradway Blvd., Bloomfield Village; Catherine Burns, 31095 Marlin Court, Beverly Hills; Everett Lefler, 17260 Revere, Southfield, and Dr. Laura Sutherland, 218 Arlington, Birmingham.

Dr. Sutherland said Wednesday she did not intend to file her nominating petitions because she is a substitute teacher in the Birmingham School District.

"I love it (substituting), and I am not ready to give it up," she said. "Another year, maybe." She is retired from the Detroit Public Schools, where she taught for more than 43 years.

Two other Birmingham School District residents whose names have surfaced as possible candidates have either eliminated themselves from the race or are still weighing the possibility.

William MacKinnon, former board member, said Tuesday he would not enter the race. Kenneth LaMotte is "still thinking about it" and said he would make a decision by the end of this week.

was marked by tension. Midway through the meeting, Staples blurted a short goodbye.

"My past three years have been great fun. I've enjoyed working with this commission."

"I hope I'll see you all next week," he added optimistically.

But Staples, Underwood and Ring were ousted by wide margins.

The unofficial vote breakdowns indicate the following vote totals: York, 3,115; Kain, 3,043; Jackson, 3,019; Underwood, 2,509; Staples, 2,431; Ring, 2,334; Johnson, 1,801.

The voter turnout was large for a city election. About 44 per cent of the registered voters cast ballots.

That compares with the 1977 city election when less than 3 per cent of the voters went to the polls.

Statements of campaign costs have not yet been filed, but York indicated he spent about \$270 on the campaign. Jackson estimated his expenses at under \$500, and Kain would only say he spent over \$500.

YORK SAID he visited more than 300 homes in his quest for votes and attended three to four meetings a week with residents throughout the city.

"We went out and we stumped and knocked on doors," Kain said. "Our neighbors and friends came out."

Kain and York have no prior involvement in city politics. Jackson has been chairman of the city's housing board of appeals for two years.

A resident of 575 W. Frank, Jackson is self-employed as a licensed residential builder.

Kain, 42, of 1896 Banbury is self-employed as an attorney with offices in Bloomfield Hills.

York, 686 Kennesaw, is a vice-president, sales manager with Eller Outdoor Advertising Co. of Michigan, Detroit.

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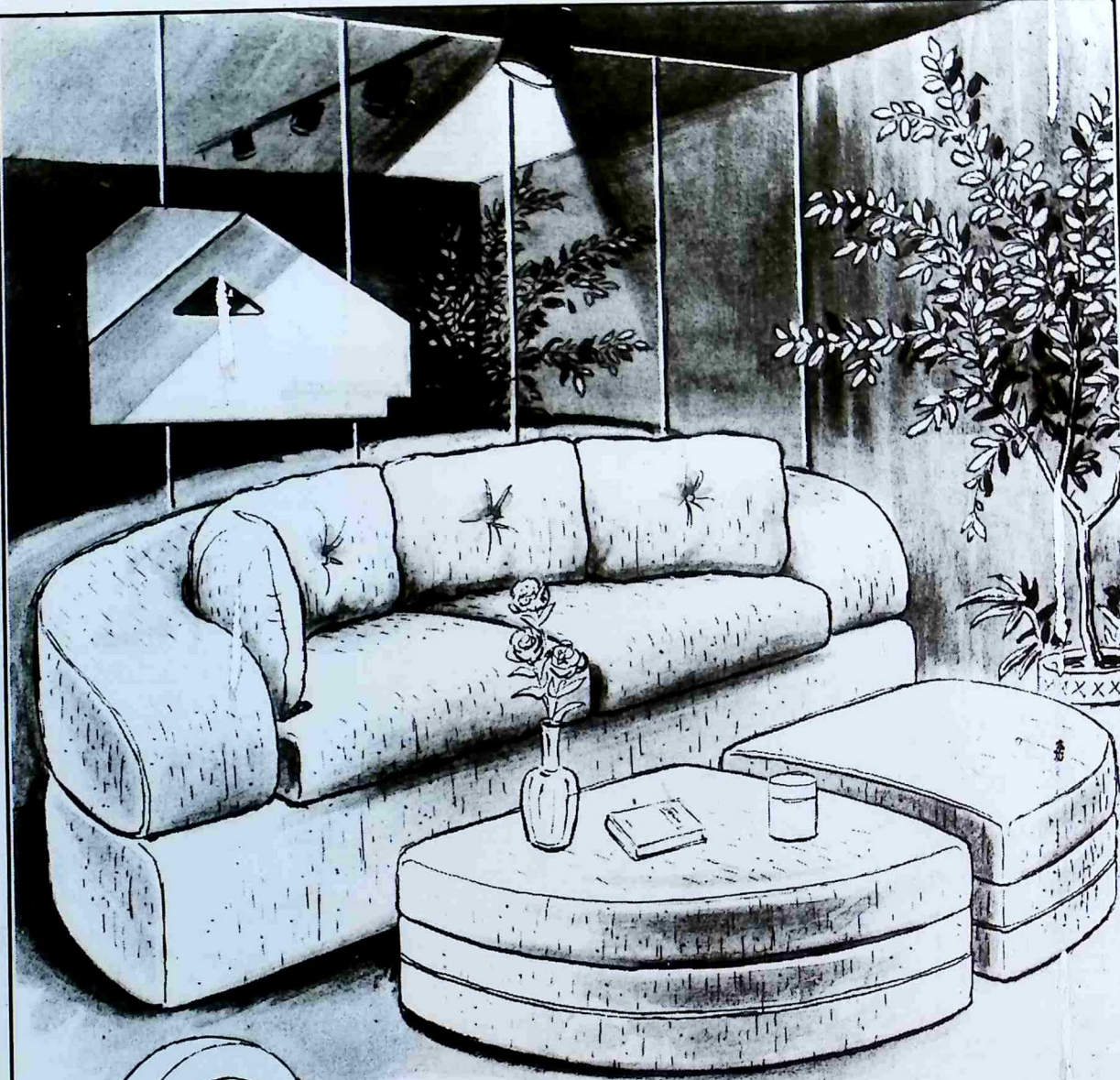
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Housing vote evokes charges of smear tactics

By MARY CONNELLY-SZCZESNY

Birmingham's 1978 city election was filled with charges of smear tactics, racism and lies.

The bitter fight has led incumbents ousted at the polls Monday to charge that the three newcomers on the commission used false statements and scare tactics.

The victorious candidates deny the charges, most of which revolve around the senior housing controversy.

Candidates in the election were divided on the housing issue.

Incumbents supported a plan which would have required Birmingham to supply low- and moderate-income rental housing to qualify for senior housing financing from the state.

Challengers opposed both the state-financed proposal and a second proposal to issue up to \$6 million in bonds to pay for the project with city taxes.

Mayor Dorothy Conrad Monday charged that racism was a factor in

the defeat of the state-financed housing package at the polls.

She said fear of minorities moving into Birmingham influenced the vote "a great deal."

Asked if the vote totals were a vote for racism, she said, "I hate to say it, but I would guess yes."

She cited as evidence, "comments made by the opposing candidates, comments made by people in the community who supported the candidates and phone calls."

"I THINK this vote surfaced feeling that I didn't know existed," she said. "There is a split in the community. It's a larger split than I ever thought existed in my community."

Ousted incumbent Commissioner Arthur Underwood Jr. also leveled charges of racism.

"I had people call me up about it. One circulator of petitions told me she was circulating them to 'keep niggers out of Birmingham.' I think it was a good part of the problem."

'I think this vote surfaced feelings that I didn't know existed. There is a split in the community. It's a larger split than I ever thought existed.'

—Dorothy Conrad
Mayor

Anti-housing campaigners denied the charges.

"I think it's ridiculous," said newly elected Commissioner Gary Kain. "Racism never came into it in my campaign. I never used the word."

Resident Nancy Elby, whose campaign against the housing proposals is believed responsible for the ouster of three city commissioners and defeat of the housing plans at the polls, also objected to the racism charge.

"That was absolutely not at all a part of this," she said. "Those are totally untrue statements. That's the only thing they can resort to now."

THE ELECTION aftermath was also marked by charges on both sides

that the campaign had been waged with lies.

"They were circulating untruths as late as this weekend," ousted Commissioner Samuel Staples charged. "The

opposition printed a lot of untruths and used scare tactics."

"I think they scared them with HUD," Underwood said. How much the department of housing and urban development would be involved in the state-financed housing project was a source of controversy.

"And I think the pink sheet that came out Saturday was full of lies," he said, referring to a piece of campaign literature distributed by the anti-housing forces.

Newly elected Commissioner William York said the group did not use false material.

"Just read the letters from the Michigan State Housing Development Authority and HUD about the rules and regulations," he said in defense of the group's position.

Birmingham residents felt they were being deceived and manipulated by the former commission over the housing plans," he said.

"City hall was saying what city hall wanted to believe. They were talking to themselves but convincing no one except themselves."

"I don't think there were lies," agreed Kain.

Election splits commission

By MARY CONNELLY-SZCZESNY

The seven members of the new Birmingham City Commission will meet for the first time Monday after a bitter fight at the polls.

Three incumbents ousted from office by wide margins are being replaced by newcomers Gary Kain, William York and George "Bert" Jackson.

The three-member coalition campaigned on a platform opposing two senior housing plans defeated by voters Monday.

Current city Commissioner Robert Kelly also opposed the housing proposals.

During the days of the campaign when battlelines were drawn, Kelly was seen by other commissioners as a member of the challenger's camp. He attended York's victory party Monday, avoiding the gathering of current and former commissioners at Machus Sly Fox.

Some of the campaign issues raised by challengers, such as Birmingham switching to a popularly-elected mayor, were also ideas supported by Kelly.

IT APPEARS likely then that there will be a divided city commission at the helm.

Facing the potential four-member majority on the commission are Mayor Dorothy Conrad, Mayor Pro Tem Patricia Watt and Commissioner Ann Dropiewski.

The three, like the incumbents ousted Monday, supported a senior housing plan that would have required Birmingham to provide low- and moderate-income rental housing in return for state financing of senior housing.

One of the first issues which could illustrate the division on the commission will be raised Monday. The new commissioners will be sworn in and a new mayor elected.

Traditionally in Birmingham, the

mayor pro tem becomes mayor, serving a one-year term.

But whether Mrs. Watt will be voted mayor is uncertain, given the new make up of the commission.

IF THERE is likely to be discord on the commission, it is also likely to surface again in the community.

After the election Monday, both sides said they were gearing up for another fight at the polls May 8. On that date, a recall election, prompted by the senior housing controversy, will be held.

Mayor Conrad, Mrs. Dropiewski and Mrs. Watt are targets of the recall.

Volunteers who helped elect three new commissioners this week said they would continue their grass roots efforts "to wipe the slate clean."

BUT THE incumbents have not given up the fight.

"I don't think there's any way of telling what will happen May 8," said Patricia Watt.

"I don't know," agreed Mayor Conrad. "I haven't any idea."

If any of the incumbents are recalled May 8, the vacancies will be filled in a third election.

The August 8 primary election would probably be used to fill any vacancies. The existing commissioners could appoint temporary members to fill the vacancies until the August vote.

If recalled, Mayor Conrad, Mrs. Watt and Mrs. Dropiewski could not seek election in August. Altman said the law forbids a recalled elected official from "replacing themselves" either by appointment or election.

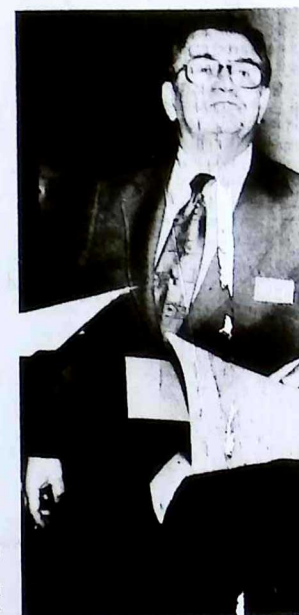
However, defeated incumbents Samuel Staples, Arthur Underwood Jr. and

Herbert Ring could run in August to fill a recall vacancy, said Howard Altman, Oakland County elections director. He explained that they would be seeking a new term, not a term from which they were recalled.



Nancy Elby, recall leader who campaigned against senior housing, denies that racism played a part in Monday's city election, saying, "That was absolutely

not a part of this. Those are totally untrue statements."



Defeated incumbent commissioner Herb Ring, along with Sam Staples and Arthur Underwood Jr., are all eligible to run for reelection in August if any of the three women remaining on the commission are removed in the May 8 recall election.

City Commission												QUESTION NO. 1 BOND ISSUE SENIOR CITIZEN HOUSING		QUESTION NO. 2 SENIOR CITIZEN HOUSING ADVISORY QUESTION	
Precinct	Absentee Ballots Issued	Voting	Percentage of Residents Voting	Registered Voters in Precinct	George Berton JACKSON	Barton O. JOHNSON	Gary W. KAIN	Herbert L. RING	Samuel W. STAPLES	Arthur UNDERWOOD JR.	William E. YORK	YES	NO	YES	NO
1	30	446	48.85	913	175	134	176	178	181	186	185	33	399	132	311
2	39	518	45.64	1,135	171	128	189	238	242	262	186	52	449	218	292
3	42	610	49.27	1,238	233	125	234	273	283	297	269	52	549	212	390
4	29	270	38.57	700	138	60	117	89	98	98	131	19	236	65	201
5	20	285	36.40	783	130	75	119	106	113	111	122	26	244	84	191
6	12	358	34.66	1,033	181	82	195	99	113	111	182	38	315	66	287
7	12	473	42.04	1,125	196	137	170	192	173	171	196	56	408	108	355
8	37	398	42.98	926	213	113	191	140	145	147	192	30	360	95	303
9	32	485	46.41	1,045	263	141	265	118	141	126	257	28	448	93	387
10	8	251	27.52	912	145	69	134	58	56	58	151	28	216	47	197
11	2	294	38.84	757	204	93	220	40	43	42	187	24	261	29	257
12	18	314	32.57	964	115	95	117	123	133	149	116	39	270	98	209
13	26	389	43.71	890	140	131	144	143	148	168	181	32	350	95	289
14	28	456	46.91	972	222	104	227	153	153	168	239	27	420	113	93
15	15	430	47.67	902	185	111	166	191	196	188	173	35	388	142	286
16	6	354	45.91	771	184	113	245	58	66	73	206	32	318	41	310
CB17		151			51	38	53	62	71	74	53	29	117	77	72
CB18		192			73	52	81	73	76	80	89	35	152	57	134
	356	6,674	44.30	15,066	3,019	1,801	3,043	2,334	2,431	2,509	3,115	615	5,900	1,772	4,564

editorial opinion

Voters have spoken; city must heal wounds

Birmingham voters spoke on Monday. The message was clear.

By a margin greater than 2-1 they said Birmingham should not have subsidized senior housing. We want to believe Birmingham voters were swayed by the innuendoes and half-truths in the campaign waged against senior housing. We cannot accept that Birmingham would close its eyes to the needs of the city's senior citizens.

In our view, the construction of senior housing would have made Birmingham a better community. But that viewpoint did not prevail at the polls on Monday.

UNFORTUNATELY, THE senior housing opposition brought about the defeat of three capable incumbent city commissioners, Herbert Ring, Samuel Staples and Arthur Underwood Jr.

An examination of the voting results shows there was a strong correlation in the senior housing and commission voting.

In precinct 11 (southeastern portion of the city), senior housing was defeated by an overwhelming 257-29 margin. In the same precinct, challengers Gary Kain, Bert Jackson and William York picked up 220, 204 and 187 votes respectively. Incumbents Ring, Staples and Underwood only captured 40, 43, 42 votes respectively.

In precincts where senior housing did relatively well, the incumbents won. For instance, in precinct 2 (northwestern portion of the city) senior housing only lost 292-218. Incumbents Ring, Staples and Underwood had 238, 242, and 262 votes respectively. Kain, Jackson and York lost with 189, 186 and 171 votes.

As a result of the senior housing fallout, three city commissioners will retire without the normal plaudits. No official parties will be held for them. No resolutions will be passed by the new city commission.

But the three commissioners served the city

well. They worked hard and during the last few months patiently took abuse during city commission meetings.

Fair-minded Birmingham residents salute the three defeated commissioners. They deserved a better fate.

NOW BIRMINGHAM has a new commission. Three people who were elected on an anti-senior housing slate must prove that they can lead the city.

They must show that they can understand the many dimensions of municipal affairs. Starting with Monday's meeting they must determine the city's budget for the next fiscal year. A controversial liquor license public hearing will be held on April 17. Birmingham must soon appoint a new chief for its police force. Plans for a new Emergency Medical Service must be completed.

We sincerely wish them well in grappling with these and other important issues facing the city. They will take study, thought and some hard work.

The new commissioners must realize that although they ran as an unofficial slate, they were elected as individuals. They will be expected to think as individuals and not vote as a bloc.

TO THOSE who worked for eight years on senior housing in the city, we can only offer condolences. Your efforts were appreciated. Perhaps, at another time, there can be a new plan for senior housing.

Despite what we consider to be the unfortunate results of the election, it is not time for despair. Birmingham has the resiliency and the vitality to rebound.

The newly elected officials will need help and some patience. It is not a time for more scars in an already divided community.

Birmingham must speak with a quieter voice and permit the healing process to begin.

Mary Connelly-Szczesny writes

'Tree City' is well-versed

Pity Joyce Kilmer. Times have changed since he so eloquently wrote of the poetry of trees.

That became obvious when Birmingham was recently named, along with 80 other communities in the country, as a "Tree City USA."

The Arbor Day Foundation, in issuing the award, said Birmingham was cited because it cares about its "urban tree resources."

One can hardly wax poetic over "urban tree resources."

Nonetheless, that does not take away from the work the city is doing to ensure that future generations will enjoy shade on Birmingham streets.

Birmingham's Parks and Recreation Department has been tackling one project for 15 years. That is the job of creating a master plan for tree planting.

About 80 per cent of Birmingham streets have been studied.

Data about the setbacks of homes, amount of traffic, placement of utilities, type of soil and other conditions have been collected.

A decision is then made about what type of tree can be expected to fare best on the street. When the street plan is completed and adopted, it will be used when replacing damaged or diseased trees on city-owned property.

"IN GENERAL," said department Supt. Darrel Middlewood, "we're attempting to go to a smaller size tree at maturity, ones that will be 40-45 feet. The cost of removal would be less in the future and so would the trimming."

"And we would still accomplish what we want, because a tree 40-45 feet tall gives the shade of a larger tree."

One thing the plan is sure to stress is planting a variety of trees.

Birmingham has been struggling with Dutch elm disease blight since 1951 when the first city program was launched. The number of elms in the city and the possibility of great losses has prompted one of the most extensive disease-fighting programs in the state.

This month, Birmingham homeowners will be able to have elms on private property sprayed

using one of two contractors hired by the city. Homeowners will pay for the disease-fighting treatment, but the city takes bids to obtain the lowest rates. City trees are also treated.

"I think so far the program's been very successful," Middlewood said. "I've never said we could stop Dutch elm disease. But we want to slow it down so that we can plant new trees and get them growing."

"The trees we planted in 1951 are now semi-mature."

THERE ARE 25,000 trees growing on city streets, parkland and other city-owned property. About 25 varieties are represented.

Most common are maple, honey locusts, flowering pear, ash, sycamores, crabapples and hawthornes. Several varieties of each species are planted.

Birmingham budgets \$12,000 annually to replace trees.

Most of the new trees replace those which have succumbed to Dutch elm disease.

The "number two nemesis," said Middlewood, is the silver maple, which also has high mortality rate. Silver maples have a tendency to rot at an early age and are more susceptible to weather damage, such as ice breakage, than heartier trees.

THE CITY this year also is launching a program to ensure that some of the newer, smaller trees are watered, fertilized and trimmed.

The program, carried out with the aid of federal Comprehensive Employment Training Act (CETA) money, should help the city avoid the current problem of low-hanging branches in the future, Middlewood said.

Ongoing care and maintenance of the city's tree stock is also the domain of the department.

In being cited for its care and nurturing of trees by the Arbor Day Foundation, Birmingham joined six other Michigan communities. They were Adrian, Hillsdale, Jackson, Oak Park, Royal Oak, and St. Clair Shores.

(Mary Connelly-Szczesny is a staff writer on the Eccentric.)

THE PRESIDENT'S BABY



Voice of spring

There are no leaves on the trees. Robins are few, warm and balmy. The grass is brown. Trout season is a few weeks away.

What time is it? Baseball time, of course.

Or perhaps we should say Commercial Baseball. Even children, who are reputed to lack judgment and experience, aren't playing full-fledged games of baseball in the fields. Their activity so far is confined to games of catch on the sidewalks and streets. It's too cold and muddy for a baseball game.

Except in the Commercial Baseball industry, that is. The season that used to begin past mid-April has been pushed further and further forward on the calendar. How anything except an intrusion. The professional basketball playoffs are still forthcoming, and the Stanley Cup hockey playoffs are coming soon. Granted, the hockey season may be a little over-extended, but they have the excuse that they're indoors.

Sportswriters, an uncritical, believing crowd where commercial sports are concerned, dutifully record the goings-on of Commercial Baseball at this early date as if it were the most natural thing in the world. Well, speaking with the judgment and experience of kids in the streets, we say it's too cold for Commercial Baseball. Come back in a few weeks, gents.

From our readers

Not bigotry

Editor:

As was to be expected, the two proposals on senior citizen housing were soundly defeated. It is not fair, however, to indict the citizens of Birmingham for racism because of their vote. The proposals were unpopular for reasons not necessarily inspired by bigotry.

Question No. 1, the bond proposal, was defeated because it would have committed the city to an undefined and immeasurable financial burden in the form of rent subsidies.

Question No. 2, Baldwin House-MSHDA, was turned down for a variety of reasons. The low income housing requirement of MSHDA was the most significant. Opposition to low income housing was not necessarily racism. There was uncertainty as to exactly how the program was to be carried out, by whom, and on what basis.

Baldwin House Corp. had been formed for senior citizen housing, not low income housing, and it was not necessarily equipped to handle a scattered house low income project. It was also not certain that MSHDA had finally accepted the scattered house concept.

THERE WERE two other important reasons why question No. 2 was defeated. Many people were still concerned over what Baldwin House was going to build.

Despite many months of hearings and meetings, the plans for Baldwin House have not been approved by the city. There are still conflicts with the zoning ordinance that have not been resolved. The final form the building will take is not known.

Finally, many people voted against question No. 2 simply because they are

tired of it. The matter has been so poorly handled that the delays, controversy and confusion have exhausted the patience of many.

From the beginning, there has been one problem after another. The initial invitation for proposals for the senior citizen project incorrectly required bid bonds and the whole procedure had to be repeated. There has been confusion over the building size and setbacks and hence the conflict with the zoning ordinance. Finally, there has been the inept handling of the financing of the project.

UNFORTUNATELY, the city commission failed to give the voters a bond proposal that had a chance of being approved if properly presented to the voters.

Such a proposal was available to them. The proposal would have provided money to build the facility, but would not have provided rent subsidies. Lower rent for senior citizens could have been achieved by making the project real estate tax exempt. The absence of real estate taxes together with the low cost financing through city-backed bonds and the non-profit status of the ownership could have resulted in rents somewhere between 25 and 30 per cent below market rents. Lower rents for some might have been possible through combination of rent levels.

The only cost to the city under this proposal would have been the loss of real estate tax revenue on the property itself. Rents from the senior citizens would have retired the bond financing without difficulty and without cost to the city.

This possibility was recommended to the city commission by the committee appointed by them to investigate alternate methods of financing the senior citizen housing. Instead the commissioners put question No. 1 on the ballot.

THE PEOPLE of Birmingham owe much to the dedicated and hard working citizens of Baldwin House Corp. They spent an enormous amount of time and energy in the frustrating task of trying to give Birmingham what they were led to believe Birmingham wanted.

Perhaps the senior citizen project can somehow be revived and consummated, but if the people of Baldwin House Corp. quit and go home we can't blame them. It's too bad.

EDWARD A. PROCTOR, JR., Birmingham

Mostly soft drinks

Editor:

I commend Hank Hogan for the excellent article, "Fractured fables that could come true," as appeared in the March 16 "Eccentricities" column of the Birmingham Eccentric.

You surely said it like it really is—just the kind of information necessary to educate the public as well as our congressmen on the true effects of President Jimmy Carter's proposal to cut the tax deduction for expense account dining.

It's a rare businessman who drinks three martinis at lunch in our restaurants. We've actually proven this myth by taking a survey in our operations. It was discovered that very few businessmen even drink one alcoholic beverage—mostly soft drinks or coffee.

We find the few exceptions to be those who are really not discussing business during luncheon. I have mailed a copy of your remarks to the Government Affairs Committee of the National Restaurant Association. We in the hospitality industry need all the help we can get on this ridiculous piece of legislation.

HARRIS O. MACHUS, Machus Enterprises

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(for issue of March 1979)
Richard D. Aginian
President
Chief Executive Officer

The Eccentric
Birmingham-Bloomfield Edition

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from our readers

Comments hurt

Editor:

One of your editorial page columns implied criticism of our family's restaurant, the Lemon Peel, for being granted a liquor license by Birmingham, because we were small and had only a limited menu emphasizing hamburgers, soup, etc.

BECAUSE OUR family has worked seven days a week, 24 hours a day to serve the Birmingham community good food for the past 13 years, we were somewhat hurt by your off-the-cuff comments. We were especially hurt because we have labored the last three years to get a liquor license and have also just finished a five-fold expansion of our restaurant, complete with Tiffany lamps, soft lighting, music and an expanded menu.

Our intent and hope is to upgrade, improve and grow along with a prosperous City of Birmingham. It is to the credit of the city commission that they encouraged us by granting the liquor license.

To your paper's credit, you had reporter Mary Connelly do an excellent feature on our remodeled restaurant after your editorial appeared.

The proof is in the eating. Come on in and see us and our new restaurant.

JOHN KALES

Owner

Lemon Peel restaurant

Wake up

Editor:

In your March 13 issue of the Eccentric, Mrs. Rustle Shand wrote an article bearing the title "20 per cent Discount Shops Flourish in Style." The writer fails to recognize some of the basic concepts of retailing.

The article gives credence to the leaches that tear down the many truly great stores in the community that support your paper, the city, and to the greatest extent the very atmosphere that this whole community thrives in.

In my opinion, the haphazard gathering of ads from outside of the trading area that the Eccentric basically covers, in addition to having inexperienced writers present articles without researching and authenticating what they are writing about, has, in the past three years reduced the

very effectiveness that the paper had enjoyed for many years.

IT IS A WELL established fact that discount operations survive on the rejects of better retailers. This merchandise is rejected for numerous reasons such as bad cuts, poor construction, poor fit, poor fabric, etc., which are rejected and returned from major retailers. In addition, in many cases the shipment fails to meet a specified completion date for a particular season.

These discount operations don't write orders and receive merchandise from the same "kettle." They are purchased from the "basement" or from warehouses, etc.

This article infers that the legitimate retailer is a "rip off artist." Are you aware that you are literally "cutting off the hand that feeds you?"

Have you considered all of the superb boutique shops and fine stores in this area that genuinely merit six columns or more? They advertise in your paper to make the consumer aware that they can frequently purchase their merchandise at a 20 per cent or more savings.

In addition to the savings, the customer is serviced by professional sales personnel in a refined atmosphere and is assured of purchasing only quality merchandise. A highly skilled alteration department is also readily available, if necessary.

This is where the really smart shopper finds the greatest value for the dollar.

My opinion is shared by many other local retailers. We strongly feel that the Eccentric is badly in need of a direction and also the management who will help promote retailing in the surrounding areas, instead of patronizing the Canadian retailers and far flung neighborhood basement operations.

Wake up, fellas, before you have to look up to see the bottom.

EDWARD H. CHUDIK

President

Chudik's Fine Furs

Help not needed

Editor:

Mayor Dorothy Conrad's remarks to television news immediately following the election results were unfortunate.

To try to interpret the motives of a vast majority after admitting surprise at the outcome may be too much to

expect. A very clear message that I see is a public emphasis about recognizing and achieving its own needs without direct help from state and federal agencies. In a smaller world of creeping socialism where more and more people are letting "government do for them," this is refreshing.

If we believe the purpose of government aid is to help people to help themselves (as we are learning the hard way abroad), we must be aware and do something about it at home. Rather than ask for "our share" of tax money, we should make sure the taxes are being put to the best use. Then the benefits will be far reaching.

I hope the MSHDA-HUD funds we turned down will go to the most deserving and needy community to aid them in solving their own problems.

KATHY VERLO

Birmingham

A bouquet

Editor:

Before every vestige of the "Blizzard of '78" disappears from view but not from memory, a spring bouquet should be tossed in the direction of our city D.P.W.

I am referring to the efficient job they did in clearing snow from our main streets-side streets too during the winter.

I find there are many who share this opinion. Perhaps, a pat on the back instead of prevalent barbs will help soften the atmosphere around city hall.

D. PRICE

Birmingham

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Just give us \$25 to prove you can play, then we hope you buy.

We will give you:
•An organ in your home.
•All necessary music material.
•A series of lessons.
If we don't prove you can play, return the organ without obligation.

Smiley Brothers

"A TRUSTED NAME IN MUSIC"

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MI7-1177

Resourceful students

Editor:

Mercy High School of Farmington Hills should be commended for their resourceful four-day per week energy conservation program which permits many dollars to be put to more productive educational use.

Now what Oakland County needs is three or four resourceful schools to close down completely from Christmas for five-week breaks and skip Easter vacation.

This would permit 180 days of classes and still excuse school in late June when the days normally lost in January due to severe weather are considered.

During the January break temperatures could be set at 42 degrees, domestic hot water turned off completely and electric lights turned off at the master switch.

The energy savings per year could easily double the Mercy H.S. savings per student.

The competitive experiments would be educational as well as cost and energy saving and involve students in accumulative degree days for both current year and average year, as well as how to be involved in numerous insulation projects, some of which they could carry home to dad and mom to help pay their board and room.

Energy conservation could well afford to be an elective credit course for boys especially. There is plenty of literature on the free market.

A.D. WALKER,

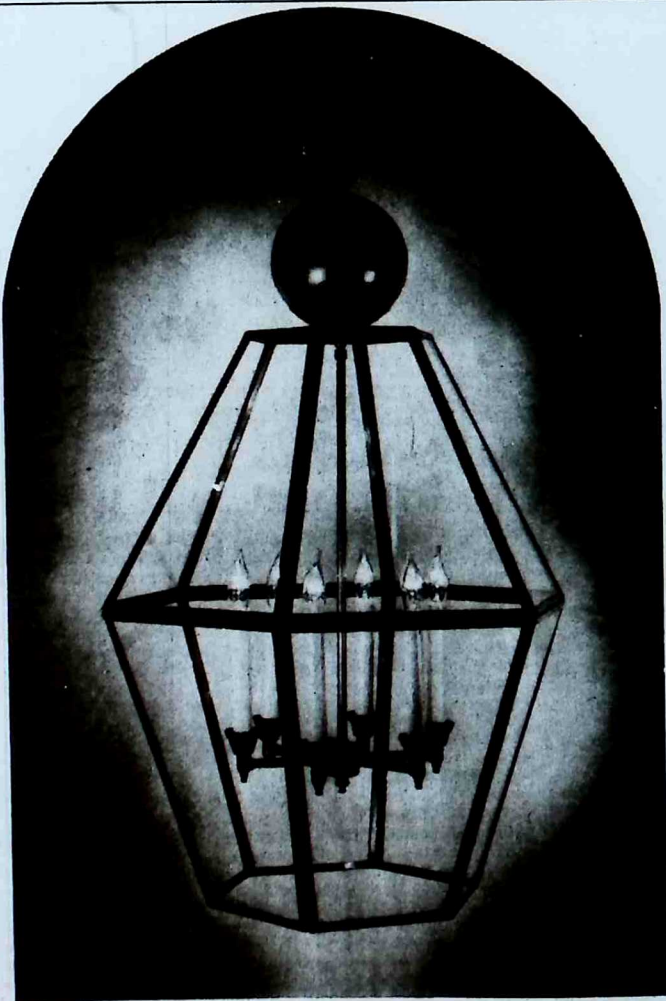
Birmingham



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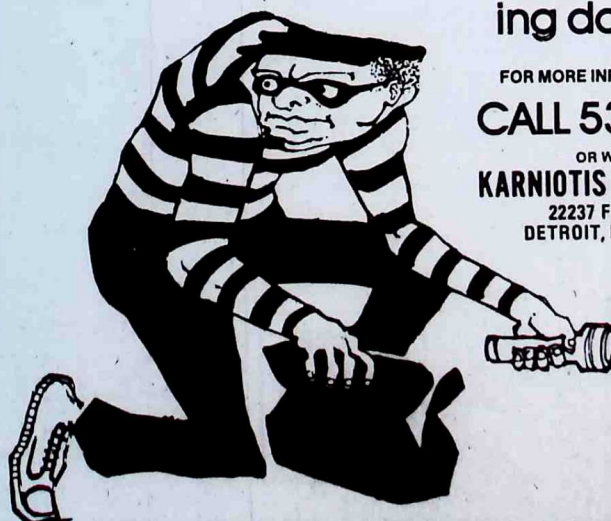
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Anyone making plans to be away from Birmingham during May should change them. May will be packed full of interesting events.

On May 7, the Eccentric celebrates its 100th birthday with an old-fashioned ice cream social in Shain Park. The Birmingham Community Band will give a concert during the day.

That will be followed by Spring-A-Round on May 12 and 13. The village fair will be held on May 18-21 in Shain Park, and Michigan Week will go from May 26-27. Last summer's successful "In the Park" concerts will resume May 25 in Shain Park.

SHEILA HAILEY, wife of author Arthur Hailey ("Wheels," "Airport") autographed copies of her informal memoir "I Married a Best Seller" last week at B. Dalton's in Troy's Somerset Mall and at the Birmingham Bookstore.

Mrs. Hailey and Arthur recently celebrated their 25th wedding anniversary. Her candid comments about marital bliss and otherwise made a big splash in Toronto, where the Haileys once hailed from (both are English born).

In "I Married a Best Seller," Mrs. Hailey tells her story with lively good humor. The book jacket calls it, "An affectionately indiscreet memoir about life with Arthur Hailey."



Self-portrait done by Bloomfield Hills artist Joseph Maniscalco.

Maniscalco took his case to Judge C. Monley Featherstone's tax court March 11. He will file his brief in the case April 17.

He went to Washington D.C. last week to discuss the problem with representatives of Artists Equity. He reported they were pessimistic about the future of H.R. 7598 sponsored by Rep. Frederick Richmond (D-New York) which proposes a change in the tax law. It would permit appraisal of paintings at full market value left in an artist's estate before they are sold.

The bill stipulates that the full value of paintings in an estate be determined and taxed only at the time they are sold. This allows for the changes in value which often take place over a period of years after the artist's death.

Rep. William Broomfield (R-Bloomfield Township) is co-sponsoring the legislation, which is reportedly before the House Ways and Means committee.

Richmond's assistant told Maniscalco that the congressman is also proposing H.R. 6715 to tidy up the inequities in tax laws and it includes a section on artists.

Maniscalco said he was told that Sen. Robert Griffin is also interested in the tax questions concerning artists. Maniscalco said he will send a letter and a package of materials to Griffin and a copy of the same letter to every member of the senate.

with school board race

School board races in Birmingham and Bloomfield Hills will be held on May 12. The nominating petitions that have been taken out are returned by the filing deadline at 4 p.m. today.

By late Friday afternoon, nine persons had taken out petitions for two four-year terms in Birmingham and five were eyeing one four-year term in Bloomfield Hills. The actual school election will be June 12.

Only William Freyer, 1543 Hazel, Birmingham, had filed nominating petitions by Friday. Also known to be considering the Birmingham spots are Peter Cartwright, 840 Riveroak, Birmingham; Jackie Sipple, 2300

Shadyway Blvd., Bloomfield Township; and Everett Lefter, 1728 Severn, Southfield.

Catherine Burns, 3138 Maple Court, Beverly Hills, said Friday she decided not to file her petitions on Monday.

Names of persons who pick up petitions in Birmingham are not announced until they file the petitions.

IN BLOOMFIELD HILLS, petitions have been taken out by Lawrence Florio, current board president, Robert Casaliou, 7357 W. Greenwich Drive, Donald Grimes, 4137 Waterwheel Lane, Robert Clair, 2820 Brookside Lane.

(Continued on page 2A)

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WINNERS PICKED

The winning entries have been chosen in The Eccentric's second annual competition to guess who would receive Hollywood's Oscars. For results of the contest, see the movies page, 4B.

2A(B)

Monday, April 10, 1978



Sign of the times

Reaction to last Monday's Birmingham election was varied, but nowhere was it more strongly expressed than on the bed sheet hanging in front of 231 Waddington, Bloomfield Township. Resident Sallie Kish, a law school student, said she made the sign "at 2 a.m. Tuesday morning after watching the Oscars and getting news of the election. I was so out-

raged, it was my only means of expressing what I think is the hypocrisy of the community." Her anger was directed at Birmingham residents who voted down two ballot proposals which would have provided senior citizen housing. One required also housing low income families. (Staff photo by Stephen Cantrell)

Kids drop into new program

(Continued from Page 1A)

to get into the alternatives program next year and there probably will be more before the end of the school

year, Duncel said. Twenty-four is the maximum he can enroll.

Graduation requirements are not waived for students in the program. Wittenberg said the program is a "last chance. If we don't crack it here, it's all through."

Launching the program has been "without a doubt more rewarding professionally than other teaching," Duncel said. He has been a history and humanities teacher in the Birmingham Schools since 1967.

"This has revived me," he said.

Adams Road

(Continued from Page 1A)

project. The city maintained it could not afford to undertake the extensive renovation without assistance.

A 1974 engineering report by Birmingham's consulting engineers said if repairs were not made "in the near future" the bridge would have to be abandoned or totally rebuilt.

Some of the defects cited in the report included hazardous and deteriorating sidewalk, railing and deck wearing surface, inoperative deck drainage, breaks in drain lines and lack of approach and guard rails.

Former resident named general

Former Birmingham resident Dr. George Allen has been promoted to brigadier general in the Army Reserve.

Allen, the son of Mrs. Newell Allen of Birmingham, is a consultant in internal medicine at the Mayo Clinic, Rochester, Minn., and an associate professor of medicine at the University of Minnesota.

Allen, 47, commands the 1,000-bed Army Reserve Hospital at Ft. Snelling (5501st U.S. Army Hospital).

Allen attended Birmingham schools, including Adams and the former Barnum and Baldwin schools.

On the agenda

BLOOMFIELD HILLS BOARD OF EDUCATION

8 p.m. Monday, April 10

Unfinished business

- Primary electrical service, Andover.

New business

- Distinguished service awards.
- Resolution of Region 16 school districts.

Instructional report

- Gifted and talented seminar.

Public forum

- Additional boundary changes affecting Pine Lake and Way elementary schools.
- Additional boundary changes affecting Lone Pine and Conant elementary schools.

Superintendent's agenda

- Junior high school course requirements.
- Approval to take bids.
- Approval of personnel recommendations.

BLOOMFIELD TOWNSHIP BOARD

8 p.m. Monday, April 10

- Second hearing—Dryden Lane water main extension.
- Approval of March 20 board minutes.
- Review construction bids—Dryden Lane water main.
- Request from Bloomfield Hills for lot 17 water service in Charing Cross Hamlet subdivision.
- Accept sanitary sewers in Wabek for maintenance.
- Site plan review—Wabek Pines cluster development, phase two.
- Site plan review—Boat Mart Sales and Service on Telegraph.
- Preliminary plat review—Peabody Orchards Lakeside subdivision.
- Bonaventure Shopping Center—Long Lake and Telegraph roads.

- Knob Hill street lighting special assessment district.
- Authorization of vacation of Humphrey Avenue.
- Muscular Dystrophy Month.
- Tax penalty.
- Fire and building department reports.
- Recycling.

FRANKLIN VILLAGE COUNCIL

8 p.m. Monday, April 10

- Approve Detroit Edison-sponsored trip to investigate lighting for Telegraph Road.

Road costs discussed

A public hearing has been called to hear objections on special assessment paving costs for streets in Bloomfield Township.

Streets involved are in the Orchard Valley and Hilltop subdivisions and Lakeview Court in Sly Farms No. One subdivision.

The Board of Oakland County Road Commissioners will conduct the May 1 hearing. It will begin at 2:30 p.m. in the board room of the road commission administrative building, 31001 Lahser, Beverly Hills.

John R. Gnaul Jr. of Bloomfield Township, chairman of the county road board, said the Orchard Valley and Hilltop project will cost \$12,543, based on the low bid.

Costs will be shared on the following basis: Road commission, 10 per cent, \$12,543; township, 10 per cent, \$12,543, and benefiting property owners 80 per cent, \$98,934.

This means residents contributing to the paving will pay \$1,462 each, according to Gnaul.

Cost for the Lakeview Court project

sored trip to investigate lighting for Telegraph Road.

- Modification of sewer payment terms.
- Adopt council rules of procedure.
- Resolution for Parent Teacher Association-Franklin Community Association banner.
- Planning commission appointment.
- Legal update.
- Report on police department negotiations.
- Set special trash pick-up date.

The Eccentric

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NEXT TESTING DATE • MAY 20

Hopefuls crowd school races

(Continued from Page 1A)

Drive, and an unidentified woman who said the petitions were not for herself.

In announcing that she would not file her nominating petitions, Mrs. Burns, president of the Parent Teacher Student Association (PTSA) Council, said, "I believe I can be most effective by continuing as council president."

She took over the post in mid-year

this year and said she felt it would be unfair to leave without being able to follow through on some "exciting and vital community projects."

Mrs. Burns said she planned to support someone else in the campaign and hoped that persons who had urged her to seek election would understand her decision and "join me in support of another candidate."

Every

THE



Saks Fifth

The Eccentric

Birmingham-Bloomfield Edition

Serving the Community
for 100 Years

Volume 100 Number 95

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Birmingham, Michigan

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Twenty-Five Cent

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Shakeup: Elect city mayor, Kelly urges B'ham

By MARY CONNELLY-SZCZESNY

Birmingham's new mayor, Robert T. Kelly, wants city residents to vote on who sits in the mayor's chair.

Kelly, a seven-year member on the city commission, was elected mayor Monday by commissioners after a bitter political battle.

That kind of skirmish could be avoided if Birmingham voters elected the mayor directly, Kelly said Tuesday.

He said he favors asking voters in the Aug. 8 primary election if the city charter should be changed to permit a popularly-elected mayor.

Kelly won the mayor's job by just one vote, 4-3.

More than 100 people filled the commission meeting room and overflowed into the halls to watch the confrontation. The faceoff between differ-

ent political factions on the commission was the first since Birmingham's city election last week.

Aligned on one side were Kelly and newly-elected commissioners William York, Gary Kain and George "Bert" Jackson. All four opposed proposals to build publicly financed senior citizen housing which were trounced at the polls.

Outgoing Mayor Dorothy Conrad, Mayor Pro Tem Patricia Watt and Commissioner Ann Drolewski, housing plan supporters, faced the four-member majority.

"I SOLICITED this," Kelly said of his nomination as mayor. "I want it. I think I can serve this city well. I intend to vote for myself."

Kain, York and Jackson backed Kelly for mayor.

Jackson was elected mayor pro tem by the same 4-3 vote.

Mrs. Conrad called Kelly's bid for the mayor's job a "power play grab." She said the mayor's job should have gone to Patricia Watt, who served as mayor pro tem during the last year.

She said Birmingham has traditionally bestowed the mayor's title on the mayor pro tem.

"A TRADITION that has served the city well has been broken," she said. "The mayor's job has never been a power play grab in the City of Birmingham."

"No one person, no single philosophy has dominated our legislative body."

"There is no honor in this action. There is no honor in this power play," she charged.

Kelly Tuesday blasted Commissioner Conrad.

"Who led the people to the anger and turmoil of the last year," he said, referring to the former mayor. "Who did it? You can't get away from the record."

At Monday's meeting, Kelly said that promotion of the mayor pro tem to mayor is not an unbroken tradition. He reminded commissioners that Florence Willett served as mayor from 1960-63.

"THERE'S NOTHING in the city charter that says any person automatically becomes mayor," Kelly said. He added that a citizen's committee reviewing the charter has said that the mayor's job should not be automatically rotated.

Both Kelly and former Mayor Pro Tem Watt were nominated for mayor.

Kelly challenged Mrs. Watt's nomination because she and Commissioners Conrad and Drolewski face a recall election May 8.

"Any person under the cloud of recall, whether it was my brother or sister, I could not vote for," Kelly said.

Challenging Kelly, Mrs. Conrad said, "Patricia Watt has served this city over 20 years. We have all benefited. As a representative of the City of Birmingham, she has brought respect to the city."

"And what was her crime? She let people vote on a housing plan she supported."

THE COMMISSION meeting was punctuated by applause supporters of (Continued on page 2A)



More than 100 people jammed into the Birmingham City Commission meeting room Monday to watch a political skirmish between pro- and anti-subsidized senior housing factions. (Photos by Mindy Milligan)

Ex-cop badgers for former badge

By JOE MARTUCCI

Bloomfield Township officials have been ordered to hold a special hearing to consider reinstatement of a police officer dismissed in February.

The order, handed down last week by Oakland County Circuit Judge John O'Brien, came in response to a lawsuit filed by Fred Harbrueger, the dismissed patrolman.

Harbrueger asked for reinstatement with back pay and \$1,000 in legal fees. He charged that the township had denied him a hearing under the Veteran's Preference Act.

Judge O'Brien denied the first two requests, but ruled Harbrueger is entitled to the hearing.

The little-known Veteran's Preference Act, a state law, provides that public employees who are veterans of military service are entitled to a hearing by the local governing body within 30 days of demotion or dismissal.

The statute also requires, however, that the employee file a formal protest seeking the hearing. Judge O'Brien interpreted Harbrueger's filing of a police union grievance as sufficient to satisfy the protest requirement.

Township board members Monday



Former Bloomfield Township Police Officer Fred Harbrueger in a 1973 photo.

agreed to hold the special hearing April 27, beginning at 7:30 p.m. Police Chief Robert Snell said the township board, which will act as the hearing panel, has had only one previous experience. (Continued on page 2A)



The political changing of the guard in Birmingham was illustrated when newly elected mayor Robert Kelly (above) took the mayor's chair formerly held by Dorothy Conrad.

School race attracts 8

By BARBARA UNDERWOOD

One woman and seven men will compete for two four-year terms on the Birmingham Board of Education in the June 12 election.

Nominating petitions were filed by the eight candidates before the 8 p.m. deadline Monday. Five other persons who had taken out nominating petitions did not return them.

The eight candidates are: Peter A. Cartwright, 840 Rivenoak, Birmingham; Michael J. Currier, 385 Phipps, Birmingham; William E. Frever, 1543 Hazel, Birmingham; Everett W. Lefler, 17260 Revere, Southfield; Clyde B. Pritchard, 32065 Telegraph, Franklin; Marsha Murav, 20069 Rosedale, Beverly Hills; Jerold W. Schedl, 5615 Pebbleshire, Bloomfield Township; and Wade R. Crane, 18943 Riverside Drive, Beverly Hills.

The slate is a contrast from last year when only two candidates ran for one four-year term on the board. This is the first time in 30 years that eight persons have competed for as few as two terms. Eight candidates ran for three-year vacancies in both 1967 and 1971 and 10 ran for three seats in 1972.

On two occasions, in 1970 and again in 1975, school district voters faced a slate of 13 candidates, but each time six were seeking four-year terms and seven were running for a one-year term.

BOARD PRESIDENT Donna Hart- (Continued on page 2A)

Telegraph lighting may shock township

Bloomfield Township is expecting some electric bills that would shock anyone.

Township and Detroit Edison officials are discussing a lighting plan for Telegraph Road, once reconstruction and widening now under way are complete.

The discussions are still in preliminary stages, and no formal plan has been committed to paper, but Twp. Supervisor Homer Case estimates the lighting bill could run as high as \$12,000 a month.

Officials say it will be a necessary expense, however, from a public safety standpoint. Lighting along Telegraph in the township now is limited mostly to intersections.

"If we don't light Telegraph, by the time the state highway department completes the widening, there will be at least 20 requests from the police

department for lighting intersections because of accidents," said Case.

"The state (Department of Highways and Transportation) is not responsible for lighting. It's up to the local municipality. They refuse to do anything," added Clerk Deloris Little.

A Detroit Edison spokesman, Ralph Mercer, confirmed that the utility has been asked to work with the township in developing a lighting plan.

"WE HAVE NOT reached the point of making a recommendation," said Mercer. "In the next few days, we should get the plans from the state. Then we'll go to the township."

The spokesman added that precise costs couldn't be determined until a specific lighting plan is agreed upon. Yet to be determined, for example, are type of lighting to be used and spacing between poles.



Shain Park in Birmingham will be the location for the 100th anniversary celebration of the Eccentric's founding in 1878. "Our Town

Since 1878" from 2-5 p.m. May 7 will feature an old-fashioned afternoon of family fun.

Eccentric turns 100, come celebrate

Bring out the three-wheeled cycles and those knickers.

An old-fashioned Sunday afternoon of fun is planned for the entire family on May 7 in Shain Park.

The occasion is the celebration of the 100th anniversary of the Eccentric. The event will be called "Our Town Since 1878" and will be held from 2-5 p.m.

"Our Town Since 1878" will include an ice cream social from 2-3:30 p.m. There will be contests for children, entertainment and special newspaper displays. Awards will be given for contests the Eccentric is sponsoring in connection with the event.

"We have planned it as a celebration for the community," said Editor

Nick Sharke. "It is only because of the support that we have received that we have continued to publish for 100 years."

The Eccentric is the oldest continuing business in Birmingham.

Two bachelors, Almeron Whitehead and George Mitchell, published the first edition of the Eccentric on May 2, 1878. They belonged to a club

of bachelors called the Eccentrics. They decided to name their newspaper after their club.

"Our Town Since 1878" will conclude with a concert by the Birmingham Community Band at 4 p.m. It will be the fourth concert of the band, which was organized last summer.

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MANY CALLS FOR MANNEL

Local businessman Mr. Mannel reported "many, many calls" in response to his ad for general office help that he ran in his hometown newspaper. His is just one of the hundreds of area firms who use our classified section for finding qualified, capable help for their special needs.

Call us today to help you find that particular individual for your company.

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2A(B)

Thursday, April 13, 1978

Trowbridge Road bridge spans city, state pact

By MARY CONNELLY-SZCZESNY

Old bridges seem to be like hang-nails.

They are a constant source of minor irritation.

In Bloomfield Hills, residents complained to the city about the rough surface of the Trowbridge Road, bridge which spans the Grand Trunk railroad tracks.

City officials say they have carried the complaint to Lansing, and the state will repair the surface of the bridge.

As a temporary measure, the Department of State Highways and Transportation has filled potholes in the bridge surface and erected "rough road" signs.

"The bridge is still safe, but there is concrete work that has to be done to the surface," said Bloomfield Hills

'Every time we call them (state highway officials), they say how did we get this blanky-blank thing.'

—Bloomfield Hills City Mgr. Robert Stadler

City Mgr. Robert Stadler. "The last time it was done was 12 or 13 years ago."

"As soon as the good weather comes along, the state said they will make the permanent repairs. They've agreed to that."

THE STATE is responsible for major work on the bridge because of an agreement reached decades ago, Stadler said.

He said that the state agreed to build the bridge over the Grand Trunk Railroad tracks and maintain it in exchange for property owned by the city along Woodward Avenue.

Stadler said the deal was made when Woodward was being built in Oakland County and right-of-way for the new road was needed.

"Every time we have a maintenance problem with the Trowbridge Road bridge, a state highway department

engineer will tell us they don't own the bridge," Stadler said. "Every time we call them, they say 'How did we get this blanky-blank thing?'"

IN A RECENT letter to Bloomfield Hills, a state highway department official recommended that the bridge be either turned over to the city, partially or completely closed or repaired.

Stadler said the state has agreed to

the repairs and dropped talk of closing the bridge.

In the letter, highway department district maintenance engineer Robert Perry said the Trowbridge Road bridge was "unique."

"It does not accommodate state trunkline traffic over or under it," Perry said. "As such, extensive maintenance expenditures are difficult to justify."

STADLER INDICATED, however, that Bloomfield Hills would be unwilling to take over the bridge.

"The city wants no part of it," he said, explaining that the expense of maintaining the bridge would be a burden.

The city plows snow from the bridge

and fills small potholes.

"We'll take care of minor maintenance," he said, "but we feel reluctant to do anything else because if we do, we feel we would be accepting responsibility for the bridge."

Birmingham has also recently

struggled with the problem of a deteriorating railroad bridge.

The city, after months of work, received a half-million-dollar federal grant to rehabilitate a 1929 bridge, which spans the railroad tracks on Adams Road.

Cop seeks reinstatement

(Continued from Page 1A)

rence with a Veteran's Preference Act hearing.

THAT WAS in 1973, when Harbrueger was demoted by Snell from sergeant to patrolman for "tardiness." The township board upheld the chief's decision, which Harbrueger charged at the time was connected with his involvement with union organizing attempts within the department.

The board's finding was subsequently upheld by the Oakland County Circuit Court and State Court of Appeals, according to the chief.

This time, Harbrueger's dismissal stems from his involvement in a car accident last June in Independence Township. Harbrueger was charged with leaving the scene of an accident. The charge was dismissed at preliminary examination by 52d District Court Judge Gerald McNally.

A 17-year-old Windsor youth who had wandered onto the roadway was struck by Harbrueger's car. The officer left to get help and by the time he

returned the youth had been struck by another vehicle. He later died.

Harbrueger, a 16-year veteran of the department and former president of the police officer's union, said this week he had been advised by his attorney not to comment on the dismissal.

Snell said he had stood firm despite dismissal of the criminal charge because an internal investigation had convinced him that Harbrueger's action constituted "conduct unbecoming an officer."

He explained that this is defined in the police department's policy manual as anything that might dishonor the department in the eyes of the public.

"I know it's a subjective point of view," the chief admitted.

Snell said several witnesses will be called to testify on behalf of the township at the April 27 hearing. These include the driver of a second car, whose "testimony is critical," and "people in the immediate neighborhood (where the accident occurred)."

8 candidates vie for board

(Continued from Page 1A)

wig and Treasurer Janet Johnson are not seeking re-election. Mrs. Hartwig has served one four-year term on the board, and Mrs. Johnson has served for six years.

Issues that appeared to bring numbers of candidates into the races in past years are not evident this year, and school board watchers are unable to pinpoint a reason for the turnout.

The lack of competition from incumbent trustees may have been a factor. The school closing issue, which appeared to account for some of the interest in 1975, will be considered during the next few years.

The candidates have until 4 p.m. today to withdraw their names from the contest, if they decide not to enter the race.

The Eccentric

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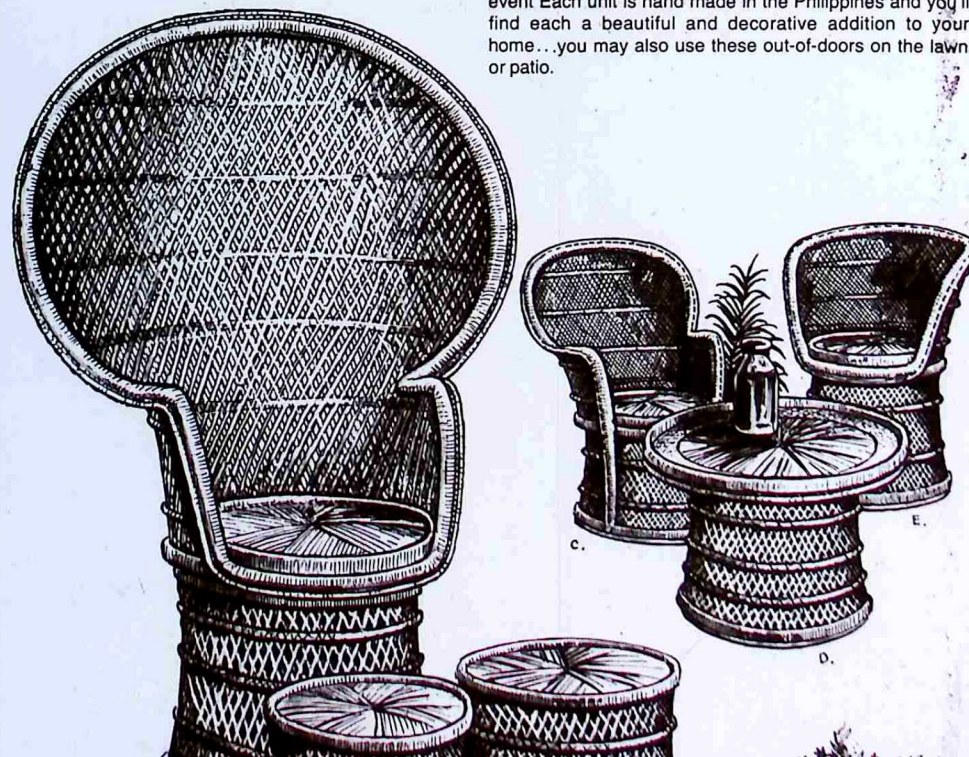


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He suggests that non-artists help his effort by writing to Rep. William Broomfield (R-Bloomfield Township) or Sen. Robert Griffin. Both are already interested in a bill now before the House Ways and Means Committee that would amend the tax law.

Artists should join Maniscalco and perhaps donate one of their works for the April 27 protest.

Joe Martucci writes

Tax revolt brews among frustrated homeowners

The tax man cometh. And most of us would like to welcome him with a lynching mob.

Year after year, the same complaints splatter off the walls of township halls and city council meeting rooms. People are getting fed up with paying higher and higher taxes. They want relief, and they're not spelling it R-O-L-A-I-D-S.

A few weeks ago, I listened as about 40 Bloomfield Township residents took the community's new budget apart line by line. On the surface, they were complaining that the budget was

too big. But what they were really complaining about, I suspect, was taxes.

Where else can they go to complain but to the local township board or city council? Local officials, for better or worse, have been bearing the brunt of complaints lodged by angry taxpayers.

Most people in the Birmingham-Bloomfield area pay a good deal more in federal income tax than they do in property tax. But where do you go to complain about income tax? You can't vent your frustrations by calling Uncle Sam on the phone and reading him the riot act.

So, for the last several years, the most vocal reformists have been urging an overhaul of the property tax system. Since real estate usually appreciates sharply during inflationary periods, property assessments are skyrocketing. And there's no end in sight.

THOSE WHO think reform-minded taxpayers are bluffing have only to look at what's happening in California. In June, voters there will decide the fate of Proposition 13. It would slash property assessments to one per cent of fair market value. The proposal would also limit any increase in appraisals to two per cent per year and require a two-thirds vote of the legislature for any other changes in state taxes.

Nothing quite so dramatic has surfaced locally, but a group called Taxpayers United for Tax Limitation may be just what the doctor ordered for easing taxpayers' wrath.

The group has petitions circulating statewide for a proposed state constitutional amendment on the November ballot. So far, about 50,000 signatures have been gathered. Roughly 266,000 are needed.

The constitutional amendment would do several things. First off, it would limit the ability of the legislature to increase state taxes beyond their current ratio to total personal income of state taxpayers.

That may sound familiar. Proposal C, which went down in defeat in November 1976, also would have placed a limit on all state taxes and spending.

But Taxpayers United also wants to do something about ever-increasing property taxes. The group is proposing that millage rates automatically be reduced to compensate for assessment hikes.

This would solve the problem Bloomfield Twp. Supervisor Homer Case often refers to when he says a mill is no longer a mill.

WHAT HE means is best illustrated by the following example. Suppose your house is assessed at \$20,000 and your property tax levy is 30 mill. Your tax bill is \$600.

But when the value of your house goes up to \$30,000 suddenly you're paying \$900 in property taxes, even though you never authorized a millage hike.

When you consider how dramatically property values have risen and that most homeowners have tax levies of 30-40 mills, you realize how much money is at stake.

There will no doubt be objections to this rollback proposal from local school and government officials. They will argue that they won't be able to cope with the ravages of inflation.

But local voters can always approve a millage hike if they think it's justified. And the alternative—doing away with property taxes completely in favor of a graduated, steeper state income tax—would raise even stronger objections.

Whether you agree philosophically with the concept of a graduated income tax or not, the fact remains that it's already been rejected by voters.

And if all the money to operate local school districts were to come from the state, wouldn't there be a corresponding loss of local control?

Another highlight of the Taxpayers United proposal is that the state would have to provide funding for any programs it mandates. That should warm the hearts of local school officials.

Taxpayers United has attracted some impressive supporters. Richard Headlee, past president of the U.S. Chamber of Commerce, is chairman of the group. William Hampton, a former judge and a Bloomfield Township attorney, is Oakland County chairman.

Keep your eye on Taxpayers United. If their proposals are as good as they appear, the hue and cry of the taxpayer may become a thing of the past. (Joe Martucci is a staff writer of the Birmingham-Bloomfield Eccentric.)

'Fear of the unknown'

Housing vote no surprise

The turnout of the senior citizens housing project and the ouster of three incumbent commissioners by the voters in Birmingham last week, in retrospect, shouldn't have surprised anyone.

Prime real estate in the downtown area became available when the school district tore down two older schools across from the city library.

The city fathers (and mothers) were convinced there was a need to create housing for older residents in town who no longer wanted nor could afford a large home but didn't want to leave the community.

Had the city resources to build the project itself or had private developers been found to build the development, it would have been built and all involved would have been very pleased with themselves.

Unfortunately, the group selected by the city commission to go ahead with the project needed state and federal funds. Along with commitment of these funds comes state and federal regulations.

While Birmingham looked at it as a community project to help its senior citizens, the government looked upon it as a low-income housing development which needed not only capital to build, but continuing support after completion in the form of rent subsidies.

When the federal and state governments provide financing, the project must be open to all who apply and qualify, regardless of who they are and where they come from. If tax money is used, it should be no other way.

So that the project could be used for senior citizens alone, the city commission was lured into agreeing that 50 homes in Birmingham, other than the senior citizen project, would be made available to low-income families.

For most middle class families in America, their home is their biggest single investment.

There is the belief by most people that renters do not maintain the property they rent as well as people who live in and own their own home.

From the observation of public housing in large



by HANK HUGIN

cities since the second world war, there is a perception that government subsidized renters have even less interest in maintaining the property they rent when compared to ordinary renters.

While the community seemed very supportive of senior citizen housing, apparently there was a great underlying fear that the 50 homes selected for low-income families would end up decreasing the value of the homes nearby, and no one seemed to know for sure where the 50 homes would be located.

Many residents were afraid that they would end up being next door to them.

You can condemn these people for being narrow minded, but they suffered from the fear of the unknown about the effect on their largest single investment.

Had the commission been more sensitive to this and done a better job of informing the residents of what they could expect, I think the results would have been different. That, of course, is water over the dam.

When you deal with the federal government, there is no such thing as a free lunch. Federal funds are only available and should be only available to help the disadvantaged.

The world probably will construe the vote as another white suburban residents attempt to thwart integration in the suburbs, but government should share equally in the criticism because people only were faced with a decision to say aye or nay without having all the alternatives before them and without fully understanding how it would effect them individually.

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The Eccentric Birmingham-Bloomfield Edition

Nick Sharkey
Editor

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Birmingham, Michigan 48012
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John Reddy, General Mgr.
Thomas A. Riordan, Executive Editor

George J. Hagan, Advertising Director, Fred J. Wright, Circulation Director

Readers' forum

To B'ham citizens

Editor:

I stand appalled this morning at what you have let a few people do to your expression of feeling for the whole human species. The smallness of the vote Monday was one thing—not enough people care whether senior citizens are able to live in dignity. The rejection of the three incumbent council members and of the Baldwin House plan is another thing. I never thought I would see the day that Birmingham would put itself on record as a city of bigotry.

Nineteen years ago our family moved from Connecticut to Michigan. We landed almost by accident in Dearborn. Our children were small, the schools had a good reputation, and we stayed there eight and a half years. At the end of that time we fled the atmosphere that had become oppressive to us because of the restrictions on what kind of people could live in that city.

We chose Birmingham because we recognized a community that cared about more of the world than the small area encompassed by its boundaries. An open-housing ordinance was passed soon after we moved here. That was 19 1/2 years ago.

WE HAVE relatives who have been telling us that Birmingham is as bad as the city from which we came. We

have stood them down, telling them that this town is like a breath of fresh air compared to Dearborn. This morning we are forced to eat crow and tell those relatives they were right all along.

ELINOR J. AULD
Birmingham

'Appalled' by defeat

Editor:

The defeat of the low income and elderly housing proposal is a disgrace. But what is even more abhorrent is the rhetoric of the anti-housing forces.

The entire campaign was based on lies, distortions and innuendoes. The remark made by William York that low income housing was "biologically wrong" was ignorant and blatantly racist. If citizens of Birmingham are prepared to elect candidates who mouth such a dispicable ideology, there is a cancer in the moral fiber of the community.

There are many Birmingham residents, ourselves included, that are thoroughly appalled and disheartened by the defeat of the proposal and the racist campaign that preceded the vote. We believe that all people, regardless of race or economic status, have the right to decent and fair housing in

Birmingham and in every other community in this country.

BONNIE GARVIN-LAFFERTY
JAMES LAFFERTY
Birmingham

Muddled issue

Editor:

Every voting recommendation you made in your unusual front page editorial was rejected by Birmingham voters. I wonder if that gives you pause. Do you realize now that The Eccentric is out of touch with the people it supposedly is addressing?

Let us come up with a false motivation on the part of the voters (as our mayor did in a TV interview), most of us were not motivated by racism. Our message to those who are willing to hear it is that we've had enough government rules and regulations in our lives. We will retain our constitutional right to local control of local decisions.

The whole Senior Citizen Housing proposition evolved in a confused, mixed up way. It started out as a comparatively simple intention of helping Birmingham seniors to remain here. Voters were asked to vote "yes" or "no" on whether they wanted the Baldwin property to be used for senior citizen housing.

Nothing was said about how it would be financed and government financing

was never mentioned. In short, we were asked to vote for "a pig in a poke." That was the first mistake. From that point on, the whole thing became more and more muddled.

NOW WE ARE back where we started, and perhaps the project will be handled in a more orderly manner with facts and figures laid on the line.

One question that needs answering is: how many seniors would prefer to remain in their own homes if it were economically possible; how much would it cost the taxpayers to pay part or all of the seniors' property taxes for those on low incomes? Such a plan might be far less expensive and less complicated than trying to build and manage a housing project. Years ago, when senior citizen housing first came up, I made this suggestion at a city commission meeting. Nothing ever came of it. Perhaps it is worth considering now.

DOROTHY J. REICHARD
(Mrs. Wm.)
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Why weep?

Editor:

In the "afterglow" following Birmingham's latest election, the most difficult position to understand is that of The Eccentric.

The Eccentric used page one for a block-buster editorial, just before the election, with a last-ditch appeal for everybody to get out and vote for the welfare-housing proposals . . . and to vote for the city commissioners who favored Big Brother housing.

What happened? It was a massacre. No contest. The Welfare Housing proposals went crashing down and the three commissioners favored by the Eccentric were thrown out of office.

Now, The Eccentric could have said, after this display of how it missed the boat . . . "we made a mistake." But The Eccentric devotes its lead editorial to praising the defeated commissioners and urging the city to "bind up its wounds."

What is it with The Eccentric? Why is it that the great majority of Birmingham voters and taxpayers are

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LOOK, EDITORS. The vote wasn't even close, and you can't make more out of it by finding a precinct where the Eccentric "slate" ran pretty well. For the first time in some years, the Birmingham residents turned out and voted. You can read the numbers.

The Eccentric might well stand back and think about the really important problems of Birmingham and do a dispassionate job of reviewing them.

Birmingham is not torn apart by the question of where to house senior citizens. Birmingham has been turned into a quarrelsome maelstrom by

(Continued on page 18A)

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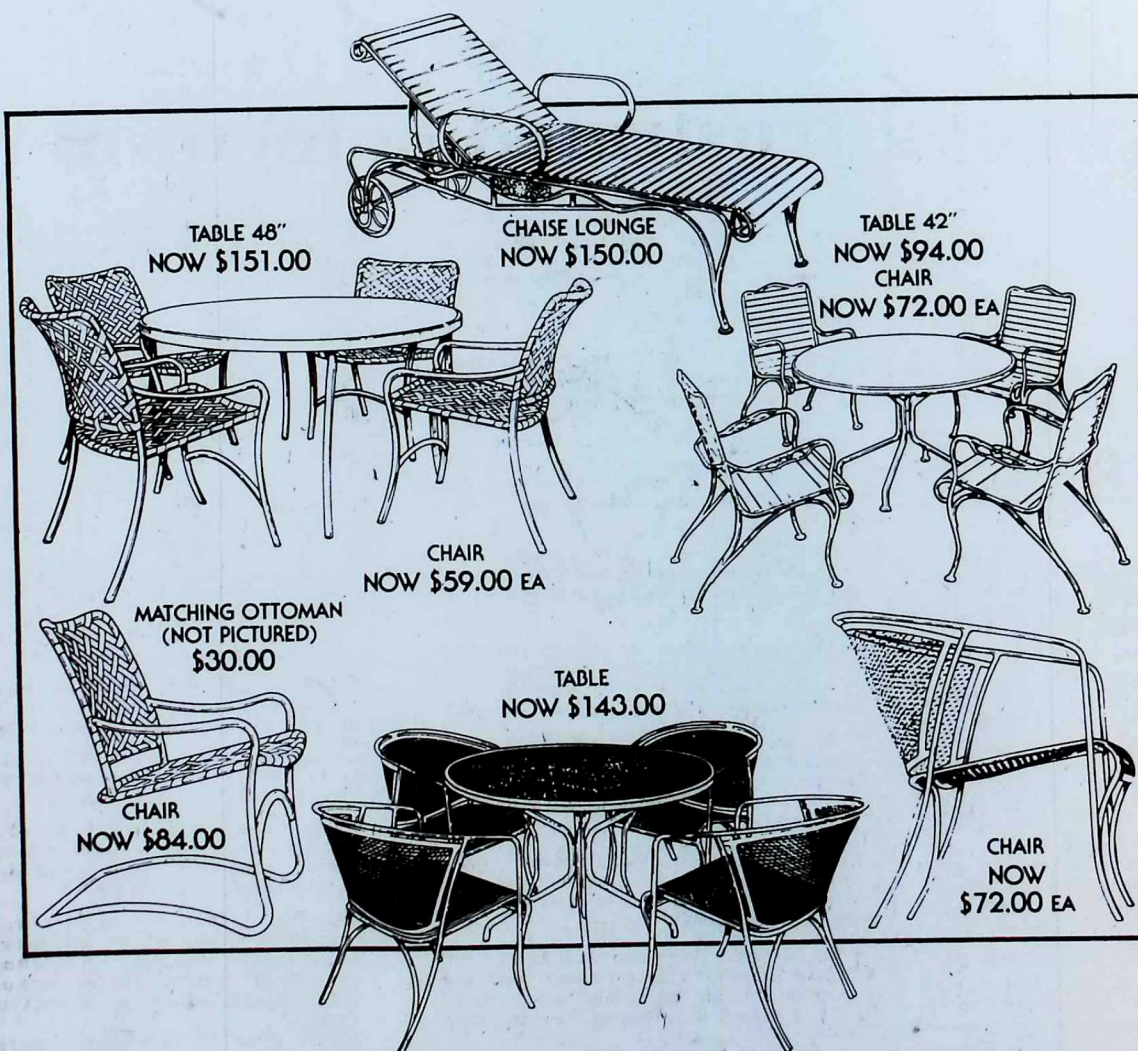
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(Continued on page 18A)

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Summer Day Camp
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Young skaters explore world



This little girl forgot her routine and was looking for help from her friends during ice show rehearsals last week.

"Far Away Places" will be presented by 270 skaters in an ice show at the Birmingham Ice Sports Arena Friday-Sunday.

The skaters are 4-year-olds to adults. They have participated in the eight-week courses offered by the arena throughout the season. There are no professionals.

Ed Harris, manager of the arena, said the show is produced by the instructional staff of the arena with Patricia Smith as the coordinator. Many of the five staff members continue to teach each season.

The show will be highlighted with slides projected on a screen. The slides will have pictures of the "far away places" of the Far East, the South Pacific and South America. The slides also will have the names of those participating in each group number.

Darrel Middlewood is supervisor of the parks and recreation department and he will be the announcer. He'll be sort of a tour guide," said Harris.

The costumes and scenery will blend in with the slide presentation and the theme of the ice show. The adult dance group will perform a Polynesian number.

Whole families have participated in the production of the show as parents of young children voluntarily built grass shacks and other scenery.

The show will include primarily group numbers. Harris said there will be about four of five solos.

"Far Away Places" will be skated at 8 p.m. Friday and Saturday and 2 p.m. Sunday. The Ice Arena is at 2300 E. Lincoln in Birmingham.



'Underwater' skaters will be performing in the ice show at the Birmingham Ice Sports Arena.

Senior housing vote may jeopardize \$92,000

By MARY CONNELLY-SZCZESNY

A neighborhood preservation project may be in jeopardy because of a dispute over Birmingham's qualifications for \$92,000 in federal funds.

The president of the Detroit branch of the NAACP, Thursday said the group will work to keep federal community development block grant funds from Birmingham.

NAACP President Larry Washington said the protest follows Birmingham's April 3 election in which voters rejected a proposal to provide subsidized housing for senior citizens and low-income families.

Three city commissioners who favored the plan also were ousted.

AT STAKE is \$92,000 which Birmingham

is seeking from the U.S. Department of Housing and Urban Development (HUD) during the 1978-79 fiscal year.

In February, city commissioners voted to spend \$37,000 of the Elm-Forest-Chestnut street neighborhood.

The neighborhood is east of Hunter and south of Maple.

The money would be used to create a buffer zone between the houses and the businesses in the area.

Federal block grant money has been used in the past to start the project, which is designed to preserve the residential neighborhood.

The 1978-79 grant would allow the city to buy property in the Forest-Elm area and pay any relocation costs for

moving people if houses are bought for demolition.

Another \$55,000 in block grant money has been designated for Birmingham's housing rehabilitation program.

A breakdown of dollars includes \$10,000 to administer the program, \$23,000 for code enforcement and \$22,000 for housing loans and grants.

THE APRIL 3 vote makes Birmingham ineligible to receive federal block grant money, Washington charged.

Conditions of the grant, which is administered by HUD, include establishing a set of goals and housing strategies to assess and meet the needs of low- and moderate-income families.

"It is beyond belief that the citizens

of Birmingham, who 10 years ago enjoyed national headlines for passing an open housing ordinance, would now turn their back on elderly and low-income citizens," Washington said.

"It is even more incredible when those city officials who supported low-cost housing are now driven from office as a means of punishment," he said. "It seems as though the citizens of Birmingham did not allow the corpse to cool before inflicting their wrath on those in favor of fair housing."

Birmingham Mayor Robert Kelly Friday denied that the city was discriminatory in its housing practices and said Birmingham has done "nothing wrong."

"We're a fine open city," he said.

"Our record is an open book."

THE NAACP's contention that Birmingham should not receive the federal money came 10 days after voters overwhelmingly rejected a proposal to build subsidized senior housing through the Michigan State Housing Development Authority (MSHDA).

That agency would have required the city to rehabilitate and rent 50 homes to low- and moderate-income families.

Three incumbent city commissioners who favored the plan were removed from office and replaced by candidates who opposed the subsidized housing. Three other commissioners who supported the proposals face a

recall election on May 8.

"As a result of this kind of hysteria, the elderly and low-income residents of Birmingham will suffer most," Washington said.

"We wonder why the voices of Birmingham's religious and civic leaders are so strangely silent when they have had ample time to confront these controversial issues. Have they lost their moral commitment?" he queried.

MAYOR KELLY said Friday he had not been contacted about the NAACP's charges and had heard of them only through media reports.

"We have done nothing wrong. It's as simple as that," Kelly said.

Rain dampens meeting

By JERVIS B. McMECHAN
Birmingham Historical Society

A funny thing happened the night of the big meeting of the Citizens Water Commission in August 1921. It rained. In fact, so much water poured down that only a few brave souls showed up at the Baldwin High School to hear the commission's plans "for supplying the village and surrounding territory with over a million gallons of water every 24 hours."

The Citizens Water Commission had been formed by a disgruntled few who felt that Village President Warren D. Clizbe and the two-man Village Commission were not taking the proper action to alleviate Birmingham's critical water shortage. Led by Mayor Richard B. Hewitt, the Citizens group planned to muster enough support to force the Village to adopt its plan and hold an election to get agreement on a bond issue to raise the money for a new water system.

Undaunted by the poor turnout for its meeting on August 30, the Citizens Water Commission tried again and held a meeting on Friday, September 2, 1921.

The principal speaker was F.F. Van Tuyl, an engineer retained by the Citizens. (Sometimes he was referred to as having an "international" reputation and sometimes merely a "national" reputation as a water expert.)

Van Tuyl pointed out that the "Board of Fire Underwriters have stipulated that there should be provided a system of pumps and supply of sufficient capacity to deliver 1500 gallons of water per minute at a pressure of 55 lbs. per square inch in the business section of the Village." The system then in use provided only one-third that amount. Unless the stipulation of the Fire Underwriters was met, Birmingham businessmen faced higher insurance rates.

DURING THE MEETING Van Tuyl described many different ways the Village might get more water. Most of them had been thoroughly investigated and rejected in previous years.

The most fanciful was to pipe water from Walnut Lake. It was also the most expensive at an estimated cost of \$848,475. Van Tuyl admitted that it was not a good idea.

He recommended that three more wells be sunk, with electrically driven deep well pumps, at a cost of about \$98,000.

The Village Commission had been invited to attend the Citizens meeting. The two commissioners stayed away but Village President Clizbe went and reported his views in a letter that appeared in the September 9 issue of The Eccentric. The newspaper had begun to support the Citizens Water Commission but did not publish Clizbe's unusual letter—that of the head of the local government watching the usurpation of government by a small pressure group.

Of course, Clizbe was too smart to make such a comment in his letter. He began by wondering why only 60 people showed up "for such an important meeting. It was a pleasant night and nothing going on as an offside attraction."

He noted that those attending listened politely, made no interruptions and asked scarcely a question when Van Tuyl finished his presentation. There was an immediate call for a vote to approve the three well plan and to request that the Village Commission be asked to call a special election for a \$125,000 bond issue.

The amount of money surprised him, he said. Van Tuyl had indicated that \$98,000 would be enough. "Others" wanted a \$20,000 contingency and George Averill, publisher of The Eccentric, tacked on another \$7,000 ("nobody knows why") to round out the sum at \$125,000. When the vote was taken, 40 of the 60 present, approved the motion.

Thus only 40 of the some 4,000 residents of Birmingham took it upon themselves to decide the best way to increase the water supply. The vast majority of the residents simply sat back to see what would happen next.

(Jervis B. McMechan is the author of the historical account, "The Book of Birmingham.")

Bits of Best of Birmingham

DR. RONERT J. TEICHMAN, a 1961 graduate of Seaborn, obtained his BS from Wayne State in 1966. He entered graduate school at Wayne's school of medicine and earned his doctorate in human anatomy in 1969. He then moved to Hawaii, where as an associate professor of anatomy, he taught at the University of Hawaii. Upon completion of his MD in May 1978, Teichman will enter the University of California San Francisco medical center as a resident in Orthopedic surgery.

JAMES A. VERALDI, a Brother Rice graduate, and Maureen McKenna, a Marian graduate, have been elected president and vice-president of the 1978-79 sophomore class at the University of Notre Dame.

DON MURRAY, son of Mr. and Mrs. James Murray of Birmingham, has been named to the dean's list at Adrian College for the fall semester. Murray is a graduate of Groves High School.

MARK DWYER, a junior at the University of Michigan, has been named to the dean's list. He has also been elected president of Delta Upsilon Fraternity.

WILLIAM C. KELLY, son of Mr. and Mrs. John Kelly of Birmingham, has been elected to student senate for the 1978-79 school year at Albion College.

JOHN WESLEY and Deborah Kuntzman of Birmingham have been named to the dean's list at Baylor University in Waco, Texas.

DIANA J. SHARER of Bloomfield Hills has recently been elected to Phi Kappa Phi. She is a senior in business administration at Northern Illinois University, DeKalb, Ill. Last year, Ms. Sharer was elected to Beta Gamma Sigma, a society for business students. Ms. Sharer will graduate in May and has been on the dean's list every semester.

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editorial opinion

Questions remain after city election

Birmingham still is reeling this week from the attacks made against it in the past two weeks. The criticism stems from voter rejection April 3 of two proposals for a senior housing center. At the same time, three incumbent commissioners were turned out of office.

Critical editorials were published in both Detroit daily newspapers. Patricia Harris, the director of Housing and Urban Development, knocked the city. The local chapter of the NAACP said it is working to keep federal community development funds out of Birmingham. The New York Times carried a story about Birmingham last week.

This attention is the most Birmingham has received since the tragic murder of Timothy King last year.

Why does it take a murder and rejection of senior housing to put Birmingham in the limelight?

BIRMINGHAM now is beginning to blossom as its spring and summer activities start. In the next few weeks, city residents will take part in the 100th anniversary celebration of The Eccentric, as well as Spring-A-Round, Michigan Week, Village Fair and the beginning of the "In the Park" concert series.

Obviously, it is a dynamic and vibrant city. Yet, two weeks ago, three city commissioners were turned out of office. On May 8 three more commissioners may be recalled. Why?

PERHAPS no one epitomizes the lively spirit of Birmingham as well as its feisty former mayor, Commissioner Dorothy Conrad. She is the first person to get behind any project which boosts the city. Her dogged determination gained the city federal funding to rebuild the Adams bridge.

Yet, Commissioner Conrad may be recalled from office. Why?

BIRMINGHAM is a progressive community which has been led by many enlightened residents. In 1968, it was the first Michigan suburb to approve an open housing ordinance. Two years ago, voters decided to pay higher taxes so the city could support a Dial-A-Ride transportation program.

Birmingham people have demonstrated that they are concerned about the welfare of others.

Yet, on April 3 voters overwhelmingly rejected a senior housing project. Why?

BIRMINGHAM has dedicated city staff members who have done an excellent job of providing police, fire, recreation and street maintenance service.

Yet it is rumored that many members of the city administration now are looking for new jobs. Why?

THESE ARE NOT rhetorical questions. But they are troubling to many people. Perhaps someone has the answers.

Responses will be published in our letters to the editor column.

Transit sense

Eleven years ago, the seven-county Southeastern Michigan Transportation Authority (SEMTA) was created to consolidate all public and private bus systems into one and to bring to the region some version of rapid transit.

Since then, certain elected politicians have behaved as if they, not SEMTA, were calling the shots, as if SEMTA were their toy.

Only after SEMTA itself seemed to be coming apart at the seams did the politicians come to their senses. Last week, Detroit Mayor Coleman A. Young, whose bull-headed insistence on as many miles of expensive subway as possible for Detroit alone almost wrecked SEMTA, said, "Let's let the experts do their jobs and not hamper them with political pre-demands."

Young, finally, is absolutely right. We hope those suburban politicians who have bull-headedly opposed any subway will rise to the same level.

Let SEMTA do its job. If its sophisticated, computerized analyses show the region needs one block, one mile or 20 miles of subway, then that is what should be built.

The facts are that downtown Detroit has traffic and construction problems that may require some subway, but a subway costs 10 times as much per mile as surface rail rapid transit. The "political pre-demands," as Young aptly dubbed them, have caused years of city-suburban poison. Enough. Let SEMTA do its job.



Soccer means continuous action — few timeouts, no delays — and new opportunities for athletes who aren't hulking brutes. (Staff photo)

Soccer, pro and prep, draws new, young crowd

In the old days, a young man aspired to be captain of his high school football team because it was a sign of manhood and there were always many female admirers vying for his attention.

Football, as we know it, is purely an American game, and when people from other countries talk about "football," they really mean soccer.

Soccer has made great strides in our country in the last several years. It's an action game, the rules aren't too complicated, and you don't have to be a big hulk of a brute to play it.

Where several years ago it wasn't even a high school varsity sport, we now have intra-city and inter-city youth soccer leagues, and every year more and more people are playing the game.

Today in some high schools, the captain of the soccer team is a more sought-after position than the captain of the football team.

PROFESSIONAL SOCCER has now come back to Detroit. We had a team a decade ago, but it passed into oblivion because of lack of spectator interest.

The new Detroit Express team opened its home season last Sunday in the Pontiac Silverdome and drew more than 28,000 spectators. Apparently it only takes 15,000 to 18,000 spectators a game to break even, so if the first game is any bellwether of things to come, the team should have a successful future.

For spectators, soccer has a lot of appeal over other professional sports.

The game has two 40-minute halves.

Because there are few timeouts, a regular game doesn't last more than two hours. It is continuous action from the time the starting whistle blows, with no delays between plays.

The soccer field is a little longer and a little wider than a football field, and it takes a darn good athlete to keep running up and down that

Eccentricities

By Hank Hogan



field for 40 minutes at a crack. There are very few substitutions in professional soccer.

It's not as violent as football, and the players look smaller because they are not wearing all the protective equipment that football players have to wear.

IN THE OPENING game Sunday, the audience was different from the normal pro football crowd. It was made up of families with a heavy representation from the younger set. Because it has not been a sport of the older generation, the kids seem to have a better grasp of the game.

The Express had won their first two games on the road, so you would have expected the spectators to be all hepped up. Instead, they were quite quiet. Those 28,000 persons don't make much of a dent in a huge, 80,000-seat stadium, and the quiet was almost spooky.

An organ played throughout the game, which was distracting, and that also covered up the fans' outbursts. It reminded you of a roller skating rink.

Unfortunately, the home team lost a close battle but fielded a fine defensive team. Let's hope the English striker whom the Express has acquired for the latter part of the season will add that offensive spark that will make their first season on a winner.

Detroit is a great sports town, and it deserves to have all professional sports represented here. But new sports survive only when fans support them.

Barbara Underwood writes

Curtains rise on school plays

Shakespeare said it . . . "The play's the thing."

How true, and Shakespeare never heard of "Oklahoma," "Carousel," "Bye, Bye, Birdie," "Arsenic and Old Lace," "Boy Friend," "Once Upon a Mattress" or "Jesus Christ, Superstar."

And he never heard of "The Drunkard" or "Music Man" or "Thurber Carnival" or "Celebration" or "Around the World in 80 Days" or "Get Smart" or "Life of the Party" or "South Pacific."

He doesn't know what he missed. But there is no reason the rest of us have to miss most of those musical and dramatic productions. Almost every high school and junior high in Birmingham, Bloomfield Hills, West Bloomfield and Troy and probably almost every other community is on the boards this spring.

ALL OF the plays mentioned above and still others either have been presented recently or are yet to come and all are open to the public.

The scope of high school dramatics has broadened steadily for several years with the talent and sophistication of the student performers.

"Boy Friend" at Groves High School; "Jesus Christ, Superstar" at Brother Rice-Marian; "South Pacific" by Kingswood School eighth graders, and "Bye, Bye, Birdie" at Athens High School in Troy already are events of the past.

But the rest are yet to come, including "Bye, Bye, Birdie," the only play being given by more than one school, scheduled at two others in the area surveyed.

This is the weekend for "Once Upon a Mattress" at Lahser High School and "Music Man" at Andover High School, both in Bloomfield Hills.

CHOICES NEXT weekend are Detroit Country Day School's "Arsenic and Old Lace" April 28 and 29; Covington Junior High's "Bye, Bye, Birdie" April 27, 28 and 29; West Maple Junior High's "Bye, Bye, Birdie" April 28 and 29; "Life of the Party" at East Hills Junior High April 28 and 29 and "Waiting for Godot" to be given by Kingswood and Cranbrook students April 28, 29 and 30.

The Kingswood-Cranbrook production is dinner theater, as is Troy High School's "The Drunkard" scheduled for May 11 and 12.

Kingswood and Cranbrook students will be back in front of the footlights May 5, 6, and 7 with "Thurber Carnival" and the same weekend, on May 4, West Hills Junior High students will present a theater-in-the-round featuring about 30 short one-act plays, all written by students.

Every weekend in May has something to offer, right up to the Memorial Day weekend.

West Bloomfield High School will give five performances of "Oklahoma" on May 4, 6, 7, 12 and 13.

"CAROUSEL CAN be seen at Seaholm High School May 11, 13, 19 and 20. Derby Junior High students will present "Around the World in 80

Days" May 18 and 19 and Bloomfield Hills Junior High offers "Get Smart" on May 22 and 23.

"Celebration" is scheduled at Roeper City and Country School June 1, 2, 3 and 4.

With all of this going on, how can anyone say there is nothing to do around town?

School plays and musicals offer the best in family entertainment and they often bring parents, friends, neighbors and little brothers and sisters into the act, literally.

With heavy emphasis on large-cast musicals, kid

brothers and sisters often get bit parts and supporting roles.

If studying and homework are forgotten for a few weeks, and they are, the camaraderie engendered by a school play is something remembered for many years to come, by the set builders, makeup crew, prompter, stars and everyone involved.

Barbara Underwood is a staff writer for the Birmingham-Bloomfield Eccentric.

From our readers

No recall needed

Editor:

And still to clear up more matters pertaining to the election results.

First and foremost, most of those who opposed the two financing proposals are not against senior citizen housing nor are they allies of the group who organized the pitiful recall thing.

Secondly, I wonder if it were to be done again, how many thinking Birmingham citizens would sign petitions for a recall election. Those of us who are free thinking did what we wanted done the democratic way—we simply voted out the people we no longer wanted to represent us.

Recalls should be saved for elected citizens who commit crimes vis-à-vis Richard Nixon—not for men and women who labor long and diligently to make this community what it is today. That they misread the sentiments of the vast majority of the citizens is indeed fortunate, but that is not a crime.

It is humiliating, to say the least, to the men and women who we are being asked to vote to recall—it is embarrassing to the people of Birmingham that such a vote is even scheduled.

LEONARD MAZEROV
Birmingham

Hooray for people

Editor:

The recent overwhelming defeat of the low-income and elderly housing projects in Birmingham represents a tremendous victory for human rights.

The high-minded citizens of Birmingham stood up for their right to run their own community and, thus, retained a measure of control over the quality of their lives. And they were not intimidated by guilt—the one feeling which has reduced all major cities in the United States, especially Detroit, to commit slow suicide.

THOSE MARVELOUS majorities in Birmingham, increasingly, throughout the country have started believing that it is quite right to live for one's own sake without remorse, to secure a hospitable environment. Is there any more admirable pursuit?

One other point that should be mentioned has to do with simple honesty. Since when does human need make it right to steal? The fact that the government makes a widespread practice of it doesn't really demonstrate its utility.

Redistributing the wealth of taxpayers in the form of housing projects for "low-income people and the elderly" whoever that is, only cements the bond of parasitism that unites poli-

tics and incompetents. Those who object are stuck with paying the bills, and cleaning up the mess.

Hooray for the good people of Birmingham. May such victories for humanities sweep the country.

RICHARD GOLD
Royal Oak

No place to relax

Editor:

In regard to no public park in Bloomfield Hills, I've lived in Bloomfield practically all my life, and I was fortunate to reside next to a large gravel quarry. But my concern is that there is not really anywhere around Bloomfield that you can just sit and relax.

Birmingham has Shain Park, Poppleton Park and Echo Road, which have their own characteristics. Of course, there's Cranbrook, which has its own rolling hills and trees, but then there's the men in the three-wheeler security mobile. Bloomfield still has a lot of empty lots with beautiful trees and colorful wild flowers.

WHAT PERSON wants to stay around in their own yard looking at the same old stump and rows of bushes, because the developer destroyed most of the trees. With spring here, we have kite season under way, but because there's electrical wires in the background, the kids decide to do it in the street.

When the time comes for a park in Bloomfield Hills, I hope there's land around to develop one, because it will be a shame to plant trees when they're already here.

CHRISTOPHER F. KEENAN
Auburn Hills

More on 'Holocaust'

Editor:

I must question the motivation behind Irving Groner's article of April 6 "Remember the Holocaust." If you are truly concerned with "the epidemic of violence and dehumanization in the world today," why did his article focus exclusively upon a threat to the Jewish people which was extinguished more than 30 years ago?

People have not forgotten the atrocity, as Rabbi Groner suggests. They simply have chosen not to become preoccupied with it when more immediate examples of human suffering require their attention.

While voicing a concern over "what can happen to innocent people when the world stands by as spectators," the article fails to mention one of the most germane examples of that statement, the tragedy of the Palestine people.

In the last 60 years, innocent Palesti-

nians have been dispossessed of their country, their rights as human beings and frequently their very lives, while the world stood by as spectators. On Dec. 10, 1948, the United Nations General Assembly adopted a resolution recognizing "that the problem of the Palestine Arab refugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights."

Unlike the Nazi holocaust of the '40s, the Palestinian tragedy is still with us. The real horror of the Palestinian situation is the fact that its perpetrators are the very people who survived the Nazi holocaust.

In summary, Rabbi Groner I suspect that the true purpose of your article is to fortify the warring support of Zionist activities by evoking sympathy and guilt over an issue which has been moot for more than a quarter century.

JOHN M. PETERS
Birmingham

Calm approach

Editor:

In all the verbal fall-out following last week's election, the most intelligent, calm and objective words were not uttered by the Eccentric, either in its editorial or news coverage. But it came from a gentleman named Edward Proctor on your letters-to-the-editor page.

He pointed out, without hysteria or rancor, the very sensible reasons voters rejected the conditions upon which senior citizen housing was based (note, I say conditions and not the concept). He pointed out that the commission had choices to act prior to the election and that they had a tentative forms of presenting the ballot itself.

Another writer, Kathy Ver, echoed my distress and shock that Dorothy Conrad could use the occasion to label the people of this community racist. I have defended the "bigotry" of our community she broadcast to a delighted media all around town. Only one from a non-Birmingham resident did I hear, "Congratulations. You people have stood up intelligently to governmental interference in your municipal affairs. You are to be commended."

Even in light of their obvious disappointment—Conrad and Arthur Underwood deserve to go based on their stunning dislike of their own "surprise" constituency, it is for no other reason.

It behooves the people who think they speak for the citizens to look at and listen to those citizens, and that statement equally applies to a scolding and disappointed "hometown paper," the Eccentric.

SHEILA PAIGE
Birmingham

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President
Chief Executive Officer

The Eccentric Birmingham-Bloomfield Edition

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(313) 644-1100

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The facts are that downtown Detroit has traffic and construction problems that may require some subway, but a subway costs 10 times as much per mile as surface rail rapid transit. The "political pre-demands," as Young aptly dubbed them, have caused years of city-suburban poison. Enough. Let SEMTA do its job.

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In the last 60 years, innocent Palesti-

anese have been killed and injured in the thousands. The Jewish people have been persecuted and not the converse. The article pointed out that the commission had chosen to act prior to the election and that they had a tentative form of presenting the bulk of the money to the people of this community. I have defended the "bigotry" of our community, she broadens to a delighted media all around them. Only one from a non-Birmingham resident did I hear, "Congratulations. You people have stood up intelligently to governmental interference in your municipal affairs. You are to be commended."

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SHEILA FAIGE
Birmingham

From our readers

No beer crying

Editor:
Enough, already.
For those who continue to cry in their beer about the recent election, please do it quietly—and alone.
We'll see you again at the polls on May 8. Have a nice day.

BILL MURPHY
Birmingham

Bridge lights

Editor:
I read with interest the recent article in the Birmingham Eccentric regarding the reconstruction of the Adams Road Bridge.
Since I cross the bridge twice a day, I would like to add a small comment in the hopes that it might do some good.
If you have driven across the bridge after dark or if it is dark and raining, it is so unbelievably dark in that area that it is amazing there have not been more dangerous accidents, particularly head-on crashes.

NOT ONLY IS it frighteningly dark, but there is no paint line or divider line to mark the two traffic directions, and as you go over in the pitch black darkness, you are completely blinded by the brightness of the oncoming car headlights. Add the above to a wet, rain slicked, glaring surface, and you have a potentially dangerous traffic condition.

Also it terrifies me to see young children riding their bikes or walking across in the 'sidewalk' area, and the cars seem to pass them so close, it looks like the children will be hit by the cars. I certainly hope the walkway will be further away from the roadway and separated by some sort of cement dividers.

As for my main concern, it is only that a new bridge will be useless

unless the entire area is brightly and properly lit at night to eliminate the pitch black darkness that presently exists there.

JAMES PAPPAS
Troy

Senior housing wait

Editor:
There are some questions that need to be resolved on the senior housing demise. Homeowners did not want their property devalued and rejected federal and state money with "strings attached"—a property owner's right.

Yet some did not feel the sacrifice of a dinner out once a year was warranted to privately finance and locally control the project.
Perhaps the fact that Birmingham is fast becoming an "older suburb" has eluded some people. At any rate, those who voted told the oldsters to wait for another seven or more years of "studies and fact finding." And when that is over, it will come right back to do you want to do it with or without state funds or ignore it?

Perhaps some voters have told their own senior citizens, ardent supporters of Birmingham when they were younger, to leave town if they can't make it on their own.

The Birmingham Eccentric has traditionally supported projects which were necessary and worthy for all the residents. Some readers are puzzled over this attitude, but they must be newcomers or have overlooked what comprises a community. We all get older everyday and our turn will come.

Or is the crux of the problem the fact that many are strapped for funds? When voters get a chance at any tax millage increase, they usually vote it down. If that is the case, how many voters have written their senators and congressmen in Washington and the state to quit spending money and

return it to the taxpayers who can disburse it locally as they see fit?

I've lived in Birmingham 10 years and have located my business here during the past 10 years and I'll be watching the new commissioners and mayor to see how fast they will put together an acceptable senior housing project.

BURKE CUENY
Bloomfield Hills

Return it all

Editor:
Robert Kelly, William York, Bert Jackson and Gary Kain have stated (since the election) that they endorse the concept of a housing project for the elderly.

Collectively, they have stated that they object to the financing by the U.S. Department of Housing and Urban Development (HUD). Their objection is based on the premise that such funding would result in unwarranted interference in the sheltered life of the citizens of the city.

It should logically follow that the new majority of the city commission should return the funding by another federal agency, the \$670,000 cost of repairing the Adams Street overpass.

IT WOULD BE equally logical for the city commission to return the \$92,000 received from HUD for community development and reject the requested \$98,000 for the same purpose in the coming year.

While the city commission is at it, the \$365 received from another federal agency for improvements to the police and fire departments' communications systems should be returned.

Yours for a free and independent City of Birmingham undominated by any agency of the government of the United States.

SUMNER L. GOSS
Birmingham

Let people decide

Editor:
I want to express my sincere thanks to Bob Kelly for his stand, under great pressure, to have the voting public become acquainted with plans of the commission to put low finance public housing in Birmingham.

We have lived next door to a rental, and there is a need to have an owner one can contact in case of negligence. There is no way this can be accomplished under government supervision. Dorothy Conrad really hit the nail on the head in her bitter remarks last Monday evening when she said, "Mrs. Watts only sin was in letting the public vote on low income housing."

It is apparent the commission was laboring under a false sense of responsibility in thinking they must make decisions for Birmingham residents. This seems to be a common error today, among local, state and federal officials, assuming the people don't know what's good for them.

It's time for us to let them know how wrong they are.

MILDRED WESCH
Birmingham

Government 'strings'

Editor:
June Brown, black columnist of the "Detroit News" made an interesting comment about Birmingham's housing controversy which most of us who believe in integrated housing have completely overlooked.

Quote: "The Birmingham citizens who defeated this low income issue did the right thing, whether they intended to or not."

She points out that low income housing ruins fine communities, and where the fine community has already been

integrated, the cultured and successful blacks will be slowly forced into the potential ghetto, losing what they worked long and hard to obtain.

The housing also hurts the people the housing promoters are supposedly trying to help for they are as miserable as fish out of water.

Avoid government entanglements

and build integrated housing for senior citizens. Isn't the Birmingham-Bloomfield area sufficiently concerned for senior citizens, and affluent enough to finance housing for them?

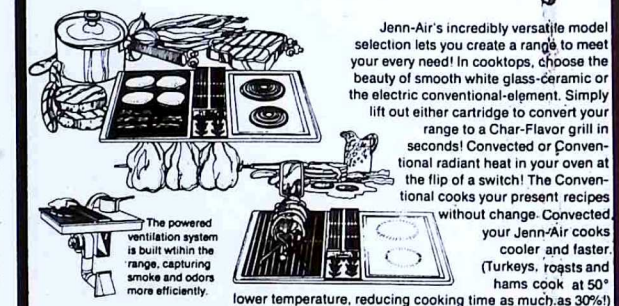
I think and hope so.

HENRY BOOTH
Bloomfield Hills

WITBECK HAS IT...

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WITBECK'S ANNUAL
CONVOY SALE

JENN-AIR Grill Ranges



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CUSTOMER INFORMATION FROM GENERAL MOTORS

HOW TO REDUCE RUST

YOU MAY BE WASHING THE WRONG SIDE OF YOUR CAR.

Spring is a perfect time to do something about rust. Rusting is a year-round problem, and corrosive conditions have become a lot worse in the last five years.

If you live where salt is used to melt ice on the roads, that is speeding up corrosion on your car. If you live in the country, it's the calcium chloride that's spread on dirt roads to hold down dust. And corrosive chemicals in the air are causing rust in every part of America.

We're doing something to help prevent rust on the new cars we're building. Meanwhile, you can do something about reducing rust on your car.

It's important to wash your car often. Use a mild soap and lukewarm or cold water. Please don't neglect the underside of your car.

because salt, slush, and even mud tend to collect in the crevices underneath the car, in the door creases, and inside the fenders. Moisture gets trapped in those places and causes rust. So try to wash the underside of your car, too. In winter, if you can, and at the first opportunity in spring. Even if it's only a few times a year, that would help some.

If your car gets dented, scratched, or chipped, try to get it repaired as soon as possible. Even a "small" scratch is bad. Because once a car starts to rust, the damage spreads fast. The paint around a dent or scratch can look okay, but rust is spreading underneath. In the long run, it's cheaper to fix the car right away.

A lot of people think that parking a car in a heated

We're doing more now to protect GM cars from rust. For one thing, we're using more rust-resistant materials, including different types of zinc-coated steel, in places where rust usually occurs. Also, our new paint primers and the way we apply them are designed to provide a thorough finish, even on some parts of the car you can't see.

Our goal is to protect your car so that it lasts longer and gives you the most value. And fighting rust helps.

This advertisement is part of our continuing effort to give customers useful information about their cars and trucks and the company that builds them.

General Motors
People building transportation to serve people

PERRY MONTH END MONEY-SAVERS

SUPER COUPON

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\$4.09
CARTON
Tax Included

100 MM 4.19 O&E

Limit 1 Ctn.-Good thru April 23, 1978

SUPER COUPON

COCA-COLA
16 oz. No-Return

8
PACK

\$1.39

O&E

Not Available at Lakeside Store
Limit 2-8 Packs-Good thru April 23, 1978

SUPER COUPON

8-ROLL PACK
BATHROOM TISSUE

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O&E

SAVE 40¢ EACH

Limit 2-8 Packs-Good thru April 23, 1978

SUPER COUPON

BETTER MADE
POTATO CHIPS

59¢
9 oz.

SAVE 30¢

O&E

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Limit 2-Good thru April 23, 1978

SUPER COUPON

Big 1 1/2 lb. loaf
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O&E

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For Best Results Have Processed at Perry

Not limit during this sale. You get a FREE roll of film (same size and exposure) for every roll you bring to Perry for processing. Now's the time to gather up those expired rolls you may have laying around and cash in on this great bonus offer.

Offer good for print film only. Not slides.
ROLLS PROCESSED WITH THIS COUPON
Offer Good thru April 23, 1978

The Eccentric

Birmingham-Bloomfield Edition

Serving the Community
for 100 Years

Volume 100 Number 98

Monday, April 24, 1978

Birmingham, Michigan

22 Pages

Twenty-Five Cents

Etc. Etc. c.Etc.Etc. Etc.Etc.Etc. E

A NEW Beverly Hills ordinance allows soliciting for charities only during daylight. How do you define daylight? Simple: "Solicitations permitted hereunder shall be conducted at time other than at night; night is defined as the time between the end of evening civil twilight and the beginning of morning civil twilight, as published in the American Air Almanac, converted to local time." Got that?

THE PEN is mightier than the sword, or so they say. Officials of the Birmingham-Bloomfield Chamber of Commerce are beginning to wonder.

In January the chamber's board of directors signed a petition giving reasons for opposing the proposed federal Labor Reform Bill.

The petition went to the U.S. Department of Labor among other government agencies.

A few weeks later the chamber received a form letter from the Department of Labor thanking the businessmen for their support of the labor bill.

BIRMINGHAM TOWN Hall officers had a few moments of panic when they read in last Monday's Eccentric that there was some doubt about whether the lecture series would continue at the Birmingham Theatre next year. "Yes we will be at the Birmingham Theater," Town Hall Board President Mrs. William Bones said last week. "We are delighted to be able to use the newly decorated theater."

Town Hall's 25th season will open Oct. 19 with television newscaster Howard K. Smith. Four other well-known speakers will appear during the season. Tickets are still available by contacting the Town Hall office.

HOT LINES to put you in touch with leisure activities are the newest thing around.

The Oakland County Tourist & Convention Bureau has just inaugurated a 24-hour hotline called the Oakland County Line, phone 335-8135, specializing in entertainment for residents of Oakland County.

Almost at the same time, the Southeast Michigan Travel and Tourist Association has come out with the Travel Line, giving information on special events for travelers and residents of southeast Michigan, phone 357-2600, Monday-Friday.

For what's happening in Greater Detroit, the What's Line service renamed in January, has been overwhelmingly successful. In a recent week, a record 3,200 calls were received. The 24-hour recording of Detroit area events, phone 259-1911, is offered by the Metropolitan Detroit Convention & Visitors Bureau.

ARTISTS ARE BEING asked to join a protest April 27 in Kennedy Square organized by Bloomfield Hills painter Joe Maniscalco.

Originally, protesters were going to burn paintings to dramatize tax laws which Maniscalco feels are unfair to artists. Instead, Maniscalco will run them through a shredder and save the pieces to exhibit.

He has recently received nationwide attention for his support of H.B. 7896 sponsored by U.S. Rep. Frederick Richmond (D-New York).

Richmond's bill would allow art work left in an artist's estate to be taxed only on the cost of materials until sold.

TO PLEDGE or not to pledge. Birmingham city commissioners were asked last week to start all meetings with the pledge of allegiance. Promoter of the idea is former Commissioner Samuel Staples, who wants to give Boy Scouts an opportunity to earn merits by acting as honor guard. Staples had tried unsuccessfully to get the pledge recited while he was on the city commission. His power as a private citizen was about the same. Mayor Robert Kelly said that reciting the pledge was similar to saying a prayer and could offend someone.

Commissioner Patricia Watt suggested a compromise, that the pledge be said on the Fourth of July and other civic holidays. But no decision was made.



Time for reflection

Rabbi Isaac Silver contemplates about the meaning of Passover, the annual observance of the exodus of the Jewish people from slavery in ancient Egypt. Passover started on Friday. To commemorate the event, Jewish people eat Matzoh, unleavened bread, throughout the eight-day holiday. When the Jewish people fled from Egypt they left in such haste that they did not have time to prepare food properly for the journey. Thus, during the Passover, Jews eat the unleavened bread.

Chisanbop beats calculator

It's finger lickin' good

By BARBARA UNDERWOOD

Using fingers for counting has long been the source of some unflattering jokes implying the counter isn't very bright.

Chisanbop, the hottest thing since the "new math" of 10 or 15 years ago, is changing that attitude.

With Chisanbop, which sounds more like a new dance than a counting technique, arithmetic is done with the fingers and thumbs, each of which has an assigned numerical value. Chisanbop means "finger calculating method" in Korean.

Children who have used the method can add, subtract, multiply, divide and do algebra in less time than many adults who pride themselves on their mental arithmetic or ability with calculators.

ABOUT 75 children in the Bloomfield Hills School District are learning to add using the Chisanbop method in Super Saturday classes.

Some of their parents are attending the classes with their children. Cathy King, a math teacher at West Hills Junior High, and Sue Walton, an Oakland University student, teach the classes.

"The kids pick it up better than their parents because they don't have to do any 'unthinking,'" Miss King said.

She hopes to attend a workshop this summer to become fully qualified to teach the method. In the meantime,

"The kids pick it up better than their parents."

—Cathy King
West Hills Teacher

she and Ms. Walton "just figured it out together" after watching a tape of a Johnny Carson television show on which Chisanbop was featured.

Miss King sent for a book on Chisanbop and received it just last week. But the book only goes through addition.

STUDENTS IN the elective Super Saturday classes are in three groups—first and second graders, third and fourth graders and fifth through eighth graders.

"Third and fourth graders seem the most interested," Miss King said. "They have had enough math that they can see what they are doing."

Chisanbop is "most exciting" for first and second graders, she added. "They can add big numbers and columns of numbers that they can't do yet in class."

Fifth graders and older are enrolled in the Super Saturday program for its enrichment opportunity and one seventh grader, Ali Jahan, is using it as his contribution to a project fair to be held at West Hills Junior High May 10.

"I CAN see some benefits in Chisanbop as enrichment for gifted chil-

Student disc jockeys spin marathon benefit

Seven student disc jockeys from radio station WBFF-FM in Bloomfield Hills may be waking in their sleep by Sunday.

Each of the seven will work an 11-hour shift between 6 p.m. Wednesday and midnight Saturday during a 78-hour broadcast marathon to benefit the March of Dimes.

All seven will take part during the final hour of the marathon before joining a 20-mile "Superwalk '78" Sunday at the Pontiac Silverdome.

During the 78 hours of continuous broadcasting, the student disc jockeys will handle record requests and dedications in exchange for pledges to the

March of Dimes from callers.

Pledges may be telephoned to the student operated radio station of the Bloomfield Hills School District by calling 647-8510. They are to be in the form of a specified amount of money per mile to be walked by one of the disc jockeys.

To fulfill the pledges from callers, the seven record-spinners will walk the 20 miles of Superwalk '78 on Sunday.

THOSE WHO will participate are Diane Kraft, Andover High School senior and March of Dimes marathon (Continued on page 2A)

B'ham braces for tug-of-war at polls May 8

By JOE MARTUCCI

Ready or not, Birmingham faces another election in three weeks.

The dust has hardly settled from the April 3 election, in which three incumbent commissioners were ousted and two low-income senior citizen housing proposals went down to defeat.

The subsidized housing controversy will again take center stage when Birmingham voters march to the polls May 8 to decide whether three commissioners—Dorothy Conrad, Patricia Watt and Ann Dropiewski—should be removed from office.

At issue in the recall is whether the three commissioners were responsive to a petition signed by more than 4,000 residents. The petitions asked for an advisory referendum on whether state financing should be accepted to build a senior citizen housing project. As part of the deal, the city would be obliged to provide housing for low-income families.

The petitions, which were presented to the commission in November, also demanded severance of the city's contract with Baldwin House Corp., developer of the senior housing project. The non-profit group, a coalition of local churches, planned to use state financing.

AS IT TURNED out, voters did get their say April 3 on senior housing and the related issue of low-income family housing. They overwhelmingly rejected two proposals—one calling for a \$6 million city-financed bond issue and another for state funding with the controversial requirement of 50 rent-subsidized single-family units.

The three incumbents defeated in the same election supported the second proposal. They were replaced by challengers opposing both ballot issues.

Despite the outcome, recall leaders maintain that Commissioners Conrad, Dropiewski and Watt should still be removed from office. They, along with the defeated commissioners, only put the housing issue on the ballot when threatened with recall, it is charged.

There are indications, however, that the recall campaign will be low key compared to the one preceding the April 3 contest, which was marred with allegations of racism, smear-tactics and lies.

Nancy Elby, recall leader and spokeswoman for Citizens for Responsive Government, said recall forces would not map out campaign strategy for another week.

"A quiet campaign would be best," Ms. Elby said Friday. "That's just the way we decided. We haven't completely formulated our plans yet, but I don't think we're going to be doing too much."

Merry Tuttle, spokeswoman for People Who Care About Birmingham, an anti-recall group, said their efforts would also be low key. The group hopes to contact 3,000 voters through a telephone campaign, she said.

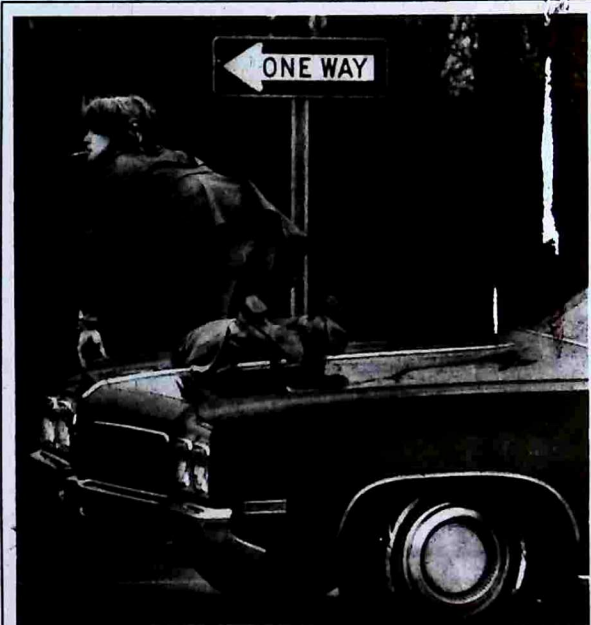
MRS. TUTTLE said she personally plans to make 300 calls, answering any questions voters may have on the recall. She will ask each of them to contact 10 friends.

A list will be kept of all contacted and they will be called again on election day by someone in their precinct.

"We sat down the day after the (April 3) vote and decided on this," Mrs. Tuttle said. "We're trying to talk to people individually and to get a commitment from them that they will vote against the recall. . . . By passing out stuff door-to-door, we would be reminding all their (recall supporters) people to vote."

"We're reminding them of the quality of the recall."

(Continued on page 2A)



Why me?

This frustrated young lady was trying to no avail to get some help after she had a flat tire on Woodward Avenue, at the corner of Pine Road. During heavy traffic on Thursday afternoon she climbed on the hood of her car until assistance arrived. The damsel in distress was finally rescued and her story had a happy, if somewhat frustrating, ending. (Staff photo by Dick Kelley).

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Don't miss it

The Eccentric is having a community celebration in Shain Park May 7 to mark its 100th birthday.

Called "Our Town Since 1878," the afternoon will include a concert by the Birmingham Community Band, newspaper displays, contests for children, strolling musicians and a writing competition are also planned. The Eccentric will officially be 100 years old on May 2.

On the community agenda

BIRMINGHAM CITY COMMISSION
8 p.m. Monday, April 24

- Hearings**
• Zoning: property on north side of

Frank between Pierce and Purdy from multiple-family to single-family zone classification.

- Communications**
• Keep Michigan Beautiful, Inc.

request to make presentation.

- Judge Gus Cifelli: request for office space regarding probation department.
• Howard J. Wittenberg for Doug

Hoffman Ltd.: request for one-day liquor license on April 28.
• Groves Booster Board: resignation of Jean Sharrard, assistant to principal in charge of activities at Groves

High School.

- Michigan Department of Natural Resources: letter of congratulations regarding 1978 Tree City USA award.
• Birmingham Jaycees: invitation to commission to participate in Michigan Week parade on May 20.
• Birmingham-Bloomfield Chamber of Commerce: 15th Annual Village Fair.

- Hughes & Hatcher: request delinquent interest and penalty on special assessment be waived.
• Edward A. Proctor Jr.: resignation from planning board, effective July 1.
• Sharon Self, 227 Euclid: opposed to proposed medical building at Woodward and Euclid.
• Michigan Municipal League: notice of annual convention on Sept. 14-16.
• Township of Bloomfield: notice of hearing before planning commission, regarding change zoning classification on property on south side of Big Beaver, east of Woodward to office building district.
• Michigan Public Service Commission: notice of hearing regarding Detroit Edison rates.

Petitions
• Senior citizens of the Birmingham Nutrition site: regarding parking at Barnum School.

City Commissioner's Reports

- Proposed resolution regarding issuance of class C liquor licenses

City Manager's Reports

- Parking rented vehicles on city streets.
• Ambulance agreement.
• Clerical staffing of the grant funds department.
• Proposed city budget for July 1, 1978, through June 30, 1979.
• Purchase of air compressor.
• Purchase of 1½-ton street roller and trailer.
• New kitchen: Allen House.
• Jogging-exercise trail at Poppleton Park.
• Street maintenance procedures.
• Arena bleacher repair.
• Dial-A-Ride usage, revenue and expense.
• Building report for March, 1978.
• Closed sessions.

Judge paves way for settlement

Settlement was reached last week in a lawsuit filed in 1976 against five present and former Franklin officials accused of failing to enforce a village building code.

Oakland County Circuit Judge Steven Andrews dismissed the case against the village and the officials. He entered a consent judgment which says Franklin's parking lot ordinance is valid and should be enforced.

The suit was filed by attorney Law-

rence Rattner after the village council allowed a retired realtor, Paul Schoeffel, to enlarge his parking lot without taking out a building permit or submitting a site plan.

Rattner sued, he said, because it was important that the village enforce its ordinances. The attorney said last week he was satisfied he accomplished what he set out to do—get the village to admit the ordinance should be enforced.

Schoeffel was told by village officials in 1976 that he didn't need a site plan or building permit because the lot was merely expanding the lot to conform with village regulations.

The council exempted him from the requirements in a 4-3 vote. Rattner then sued Council Members Peter Bertelson, J. Robert Mitchell and Philip Price; Building Inspector Charles Urquhart and Council President Verne Converse, who broke a 3-3 deadlock.

Of the council members, only Bertelson is still serving.

and the case can't be brought up again so far as the individuals are concerned. Judge Andrews denied a request by Wise for court costs.

"I think it was detrimental to the village," said Wise, who was the village attorney when the suit was filed. "The cause celebre has been terminated. It's just too bad the village had to be stirred up for that long."

Schoeffel said he considers dismissal of the case a victory.

Judge Andrews issued an opinion in the case last year, saying the council had erred by exempting Schoeffel from ordinance requirements.

He said Schoeffel's use of the lot was not a principal but an accessory use.

He also said, however, that selective enforcement of the ordinance would be discriminatory.

Recall calls voters to polls

(Continued from Page 1A)

ifications of the ladies and that they have supported the majority of issues the community has wanted for years.

"I think the philosophy of a recall in this case is wrong," Mrs. Tuttle continued. "It should be saved for extreme conditions, such as criminal action, not just disagreement over a single issue. This encourages government by intimidation."

Mrs. Tuttle said she is also advising voters that two of the three recall targets—Mrs. Conrad and Mrs. Dropiewski—have only 11 months left in their terms. Mrs. Watt's term expires in two years.

Kids radio for pledges

(Continued from Page 1A)

director for WBHF; Colleen Stoddard; Kyle McAdams; Dave Finney; Scott Marsh; Randy Herney; and Dave McClary, Lahser High School senior and program director for the station.

The broadcast marathon will take place in the WBHF-FM studios at Andover. The 10-watt non-commercial educational station is located at 88.1 on the FM dial and has been broadcasting since Oct. 1, 1976.

Station manager is Pete Bowers, an Andover graduate.

The students have not set a specific goal for their effort. A similar project last year netted \$2,300 in pledges, far exceeding expectations, McClary said.

Participation is not limited to students or the Bloomfield Hills school community, he emphasized.

"Anyone is eligible to pledge and we will do almost anything for a pledge," he added.

College director visits B'ham area

Douglas Worthington, the director of admissions at Lake Forest Academy-Ferry Hall in Lake Forest, Ill., will visit Birmingham and Bloomfield Hills Wednesday.

Lake Forest Academy-Ferry Hall is a coeducational college preparatory boarding school for grades 9-12. Persons interested in learning more about the school may contact Worthington by calling 647-6397 after 3 p.m. Wednesday. Prior to Wednesday, information is available from Mrs. Knitter, 646-2046 in the evenings.

"If people feel the government is so shaky they can't wait 11 months (to vote someone out), then something is wrong," said Mrs. Tuttle.

MS. ELBY, on the other hand, said the three commissioners must be ousted because they have repeatedly shown themselves unresponsive to residents' wishes.

"The commission didn't respond until the pressure was so great that they had to allow people to exercise their democratic right at the polls," she charged.

"Secondly, it's a matter of principle. Do we want to have commissioners who represent us or those who simply want to force plans for the city against its will? It's important that we have a commission committed to representing the people and listening to them."

"The outcries of racism are another indication that they are out of touch with the community. It (accusations of racism) was unjust and unfair and insulting and has given Birmingham a bad name."

Then-Mayor Conrad and defeated Commissioner Arthur Underwood Jr. charged after the April 3 election that the campaign was punctuated with scare tactics and racist innuendos.

Mrs. Tuttle countered that if the commission were, in fact, unresponsive, senior housing would already have been built.

The two sides agree on one thing—it's important for people to vote May 8.

"From what I've heard about recalls, it's usually the negative people who come out. We're stressing to people that they should not stay home," said Mrs. Tuttle.

The Eccentric

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One Year	\$15.00
One Year (Macomb and Wayne County)	\$17.00
One Year (Elsewhere in Michigan)	\$20.00
One Year (Elsewhere in U.S.A.)	\$35.00

Birmingham fire alarms

At 10:38 a.m. Thursday, the Birmingham Fire Department responded to a false alarm at Seaholm High School, 2436 W. Lincoln.

At 7:09 p.m. Wednesday, the department responded to a call about a smoke odor at the apartments at 400 Southfield. Nothing was found.

At 5:59 a.m. Wednesday, the department responded to a first aid call from Mrs. Haagmstad, 2299 W. Maple. No emergency was reported, however, Mrs. Haagmstad needed transportation to a hospital.

At 2:06 a.m. Wednesday, the department responded to a first aid

call from David Doherty, 1051 Norfolk. Oxygen was administered and the victim was taken to the hospital.

At 3:46 p.m. Tuesday, the department responded to an investigation at Music Strings & Things, 1810 S. Woodward. A car had hit a gas meter on the building breaking the line. A wooden plug was used to stop the leak and Consumers Power was notified.

At 12:59 a.m. Tuesday, the department responded to a first aid call from Jessie Stark, 1014 Bates. The victim had fallen and had a cut on his head. The victim was bandaged and taken to the hospital.

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The
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7 to 9 p.m.
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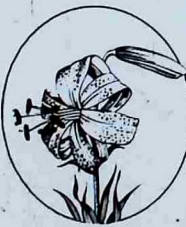
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Mon.-Sat. April 24-29 11-4 p.m.
2980 12 Mile next to Berkley Theatre



Dr. Joseph E. Hill
August 30, 1919—March 24, 1978

A Tribute to Dr. Joseph E. Hill from the Oakland Community College Board of Trustees

WHEREAS, JOSEPH E. HILL, late President of Oakland Community College, served the College as its chief executive officer for nearly ten years and his rare ability to conceive imaginative approaches to education and courage to implement them produced a flexible educational program that helped Oakland Community College attain international recognition for innovation and, WHEREAS, under his able leadership, the College achieved full accreditation, implemented a cost effective systemic analysis approach to management, established a personalized education program responsive to the needs of an increasingly heterogeneous student body, expanded programs and facilities to provide diversity for the two-fold growth in enrollment, utilized the Educational Sciences as a theoretical framework to analyze

education, and developed a ten year master plan that enables the College to anticipate change in its planning, and WHEREAS, his consistent subordination of self-interest to his concern for the welfare of the College, its students, and its employees is evidenced in the external recognition of the position of leadership of the College, and WHEREAS, as an individual, his intellectual integrity, accountability, humanism, and service enriched the lives of all who knew him, NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of Oakland Community College, recognizes this devotion and these contributions to the College and expresses its deep sorrow for his loss and feeling of privilege to have known and worked with him.

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Crimestoppers convene, share tips

By PATRICK TOUHEY

If you were going to commit a crime last weekend, the Plymouth Hilton Hotel would not have been the place to do it.

Criminologists were coming out of the woodwork.

They came from as far away as Texas and Florida to attend the 14th semi-annual meeting of the Midwest Association of Forensic Scientists.

Forensic scientists—or criminalists as they prefer to be called—are the people you don't hear much about.

While the exploits of their uniformed counterparts are dramatized in newspapers and on television screens across the country, the criminalists keep a pretty low profile.

But they have just as much of a role to play in the solving of crimes.

Outside of an occasional crime scene analysis, a forensic scientist spends his time behind a microscope or run-

ning chemical tests on evidence.

"About 95 per cent of what we do is in the lab," said David Metzger, a serologist with the Michigan State Police crime laboratory in Northville. A serologist analyzes blood samples.

BUT THAT IS just one small area of expertise in a growingly specialized field. Other areas of criminalology specialization include firearms, fingerprints, paint, glass and soil analysis, and drug chemistry.

The more than 300 members of the Midwest Association who came to Plymouth represented every level of law enforcement agency, from city to federal and all of the specialties.

They shared information, compared notes and generally tried to catch up on the newest developments in forensic science.

They heard experts give forth on various topics such as "Analysis of Elemental Composition of Automotive

Paint Pigments," "Prolysis-GC of Automotive Paints Using a Capillary Column," and "Glass Density Determinations Using the Mettler Calculating Digital Density Meter."

One of the keynote speakers was Brian G. D. Wrayall of London's famed Scotland Yard, who discussed "Recent Advances in Bloodstain Analysis by Electrophoresis."

"There's no question that the English are more sophisticated in certain procedures than we are in the States," commented Metzger. "But we've got the best people in their fields in the country here."

If after reading the list of program topics, you still think crimes are solved by tough-talking detectives, then there's probably no hope.

And Metzger acknowledged that the popular image of police work does little to dispel the myths which surround the field of law enforcement.

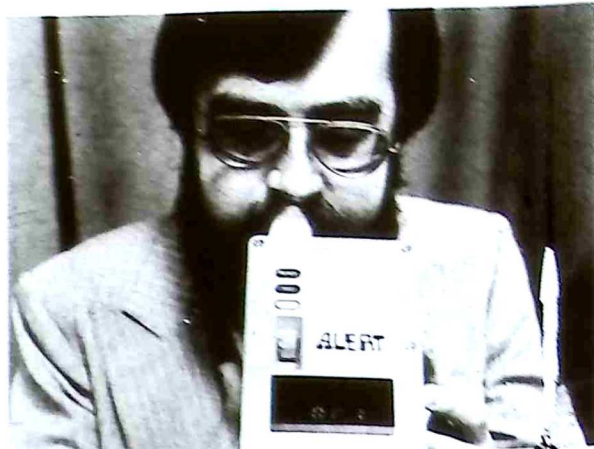
"THERE'S DAMN few Kajaks out there," he grinned. "Just regular people doing their jobs."

In fact, many of the conventioners looked more like college professors than policemen. Beards and three-piece suits were abundant.

A few of them, Metzger said, had come through the ranks as regular police officers, but the overwhelming majority were civilian.

And instead of the usual police training and experience, the men and women came primarily from academia. The criminologists held bachelor's, master's and doctorate degrees in disciplines such as chemistry, biology, biochemistry and police science.

They do not wear uniforms, carry guns or have the power to make arrests. However, they are often called on to give "expert testimony" in court based on their laboratory findings.



Kevin Quinn, a sales representative, demonstrates an \$800 breath analyzer used by the Royal Canadian Mounted Police and being considered by the Michigan State Police. The digital machine gives an on-the-spot readout to officers checking drivers for alcohol impairment. (Staff photo by Gary Caskey)

B'ham housing vote may bring county reprisals

Ripples from Birmingham voters' rejection of low-income and senior citizen housing have washed to the county level.

Oakland County commissioners last week considered dropping Birmingham from its application for federal funds under the Community Development Block Grant program.

The board of commissioners decided to keep Birmingham as part of the total application only after Oakland County Executive Daniel T. Murphy and Community Development Director John Madole said Birmingham's inclusion would not endanger the entire program.

The federal government, according to the commissioners, has already tentatively set aside more than \$4.3 million to be parcelled out to 44 Oakland

communities and the county.

Birmingham would receive nearly \$100,000 under the program.

COMMISSIONER HUBERT PRICE (D-Pontiac) proposed eliminating the City of Birmingham.

"In light of the recent vote in Birmingham," Price said, "we could be jeopardizing our entire block grant project by continuing our association with the City of Birmingham."

Price said the Birmingham situation was much like that of the City of Livonia.

Livonia, Price said, refused to build low-income housing for the large number of blacks who had to travel from Detroit to Livonia and other parts of western Wayne County to work.

Earlier this year the federal government cut the flow of community development funds to Livonia.

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Filing deadline near for OCC candidates

The filing deadline for candidates wanting to fill two positions on Oakland Community College's (OCC) Board of Trustees is April 25.

The six-year terms of board Vice-President Lila Johnson of Huntington Woods and Dennis Rogers of Troy will expire. Both Mrs. Johnson, who has served on the board since 1964, and Rogers, who was appointed to fill a vacancy in 1976, will be running for re-election, according to OCC spokesmen.

Four others have picked up filing petitions. At least 50 signatures of Oakland County registered voters are needed to put a candidate's name on the June 12 ballot.

Nominating petitions are available at OCC's George A. Bee Administrative Center at 2480 Opdyke in Bloomfield Hills. Petitions can be turned in no later than 4 p.m. April 25 to board secretary Helen Kaiser at the administration center.

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Treasures

Beauty can elude eye of beholder

What is seen often is unseen. The objects shown on this page are in public view day in and day out and have been seen by thousands of people. But how many can be identified and where are they? Give up?

Hundreds of high school students have walked across the seal of Seaborn High School since it was placed at the front entrance of the school by the class of 1958. Many have never noticed the bronze plaque designed by

sculptor Marshall Fredericks.

Charming and colorful Pewabic tile was used in the fireplace design in the kindergarten room when Barnum School was built. The room in what was later a junior high and is now the Birmingham Center for Continuing Education (BCE) is now headquarters for Michigan State University at the center.

The other three scenes are on the grounds of the Cranbrook institutions.

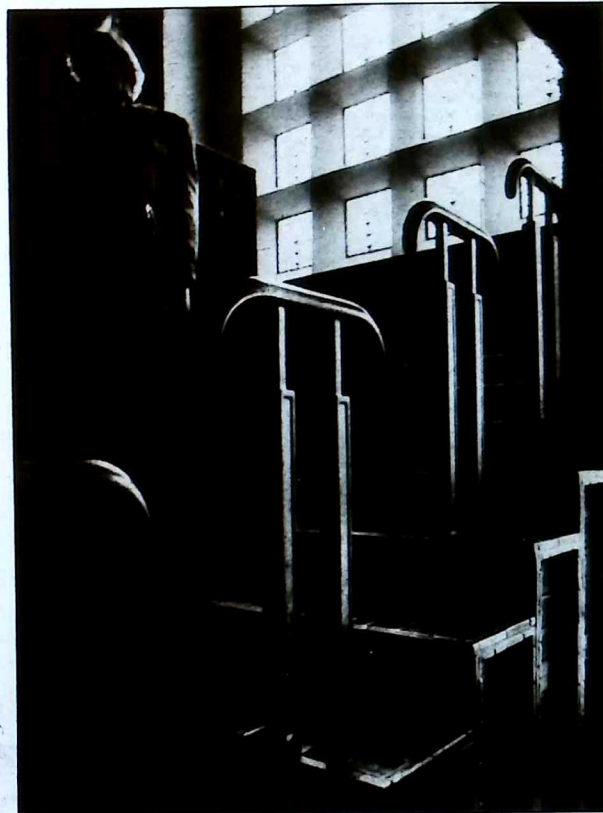
The stairway and glass brick window are typical of art deco construction throughout Kingswood School, Cranbrook.

The crane, symbol of Cranbrook School and designed by Eliel Saarinen, is on a wall of the Cranbrook Art Academy administration building.

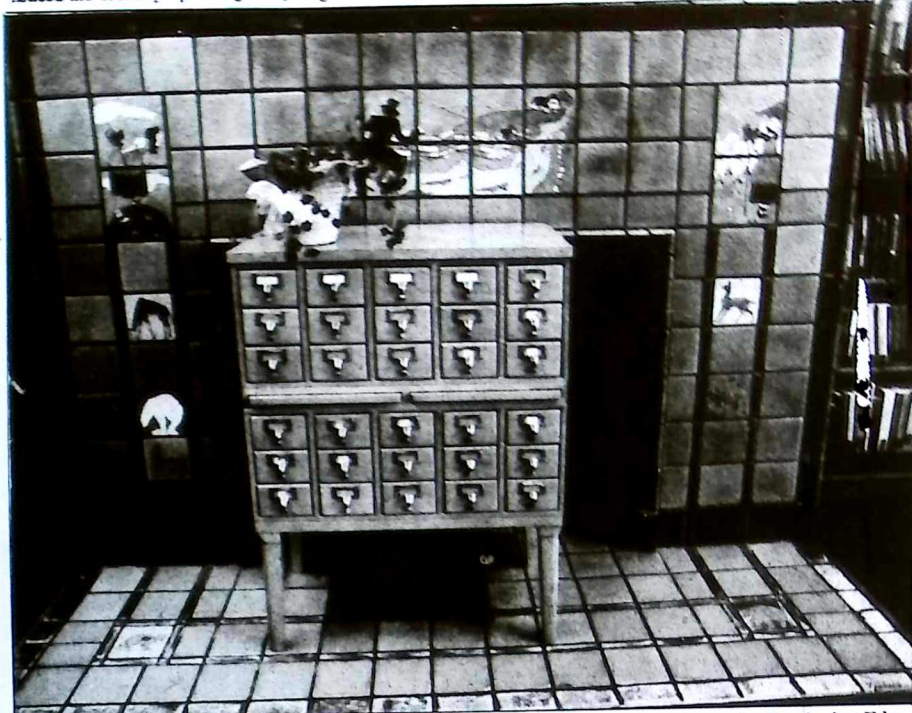
A whimsical bird, another Saarinen design, is on the chimney of the fiber studio at Cranbrook.



Above left: A whimsical bird, designed by Eliel Saarinen, adorns a chimney at Cranbrook. The bronze plaque donated by sculptor Marshall Fredericks has been stepped on by hundreds of Seaborn students. Above right is a Saarinen-designed crane on the wall of the Cranbrook Art Academy administration building. (Staff photos by Dick Kelley)



Sunlight filters through a glass brick window, spilling onto a stairway at Kingswood School. The stairway and window are typical of art deco construction at Kingswood.



Colorful Pewabic tile decorates one of the fireplaces at the Birmingham Center for Continuing Education, formerly Barnum Junior High School.

Single Pembroke parents form group

A group of single parents from the Pembroke Elementary School area has formed a new group, the Pembroke Plus.

A calendar of activities has been planned with the next event a family bowling and pizza party at 3 p.m. Sunday.

The group includes single parents and children, primarily in the Pem-

broke and Derby Junior High area of the Birmingham School District but is not limited to persons in that area. Also, a parent does not have to be living with his or her children to be eligible.

All meetings are free with activities on a pay-your-own-way basis. The group has evolved through the Pembroke Community Education Council.

Pembroke School is at 955 N. Eton, Troy.

Further information about the group may be obtained from Bonnie Tanase, 649-5546; Pat McDermitt, 382-2127, or Jim Blakeslee, 646-9183.

Babysitting and a children's art will be provided during all adult functions, free of charge.

Baldwin House Corp. stays ready to move

By JOE MARTUCCI

Despite an apparently fatal setback at the polls last month, Baldwin House Corp. is not going out of business.

The nonprofit corporation, which had been designated as developer of Birmingham's ill-fated subsidized senior citizen housing project, has decided to go into a holding pattern.

Baldwin House's board of directors met last week in the wake of the rejection by Birmingham voters of two senior housing ballot proposals. One of the defeated proposals would have required the city to provide low-income housing so Baldwin House could obtain state financing to build subsidized senior housing.

"The board of directors of Baldwin House Corp. voted to remain in existence as a corporation until other opportunities for the development of low-cost housing for senior citizens may be explored and considered," Baldwin House officers said in a statement.

"The members of the board also rejected the idea of instigating a lawsuit against the City of Birmingham to attempt to force completion of the project.

"This project has already created a great deal of division within the community, and the board feels that a lawsuit would simply add to the division and therefore (would) be counterproductive."

BALDWIN HOUSE Corp. is a consortium of four Birmingham churches formed in 1975 to develop low-cost senior housing in the city.

In March 1976, Baldwin House was selected from among eight bidders to build and manage a senior citizens' housing complex near the central business district. City voters later approved sale or lease of the former Baldwin School property—

'This project has already created a great deal of division within the community.'
—Baldwin House Corp. officers

since acquired by Birmingham—to Baldwin House.

Controversy began to swirl, however, around the senior housing proposal last year. Residents, upset over a requirement that the city provide low-income housing to secure financing for senior housing, pressured the city commission into putting the issue on the April ballot.

Three commissioners who supported the Baldwin House proposal were defeated in the same election. Three others face a recall vote May 8.

Baldwin House remains convinced of the need for senior housing in Birmingham.

"The recent study by the Birmingham Housing Commission is clear evidence that the need for such housing still exists in the Birmingham area. Baldwin House Corp. is, therefore, going to continue to seek ways to meet this demonstrated need," the officers' statement continues.

THE OFFICERS, Alice Burlingame, president, and the Rev. Glenn Asquith Jr., vice-president, suggest that supporters of Baldwin House and senior citizens to continue to urge the city commission to provide low-cost senior citizen housing.

The housing commission study referred to in the statement was undertaken in March to update data gathered several years ago on housing needs.

It showed that 281 current and 125 former Birmingham residents wanted to live in the senior housing apartment complex. Most of those surveyed had incomes low enough to qualify for federal rent subsidies.

Baldwin House's purchase agreement with the city for the senior housing property expires May 6. The Rev. Asquith said Baldwin House has settled all its debts and can remain a nonprofit corporation indefinitely. It must file annual financial statements with the state.

Baldwin House started with a \$4,000 grant—\$1,000 each from the four churches. It later obtained \$14,000 in seed money from the Michigan State Housing Development Authority (MSHDA), but is not obliged to repay this, said the Rev. Asquith. MSHDA is the state agency Baldwin House sought financing from.

The Rev. Asquith said 95 per cent of the money has been used to pay professional consultants—an attorney, an architect and a housing expert. The rest went for incidentals, such as mailing, he said.

Competition attracts 43

Forty-three students from Groves High School participated in the recent Michigan Schools Band and Orchestra District Solo-Ensemble Festival.

At the state solo-ensemble, Liz Pavner earned an excellent rating for a viola solo. Julie Hirsch, flute, and Brian Minty, clarinet, both earned an excellent rating.

A saxophone sextet, composed of Stuart Wilson, Mike Dinu, Brian McGee, Eric Naslund, Jovne Kuit and Steve

Lawrenz also received an excellent rating.

Leslie Rock and Donna Block performed a flute duet which received an excellent rating. All had previously earned excellent ratings in the district solo-ensemble competition to qualify for the state festival.

The Groves symphony band and the orchestra both received an excellent rating at the band and orchestra district festival. The band is directed by Eugene Hanson. Richard Wade is conductor of the orchestra.

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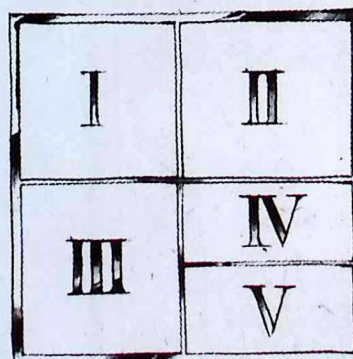
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Readers' forum

Curtail licenses

Editor:

Because of the interest of Birmingham residents in curtailing the number of liquor licenses in the city, and because of the speculative nature of the Birmingham Theatre (a recent applicant wishing to change to present policy), I urge the city to review and adopt the original 1972 (McNamee-Kelly) resolution that allows liquor only to restaurants will full food service, most income of which is derived from that service.

The original resolution, with an addition proposed by Commissioner Driepiewski to allow yearly review of these restaurants, would be most helpful to the city in slowing down the number of Class C applicants.

If the Birmingham Theatre is allowed a license, the door is opened for many other nonfood establishments to seek the same privilege or sue the city.

We all know those questionable theater establishments around Woodward (Six to Nine Mile roads) that have closed down will try to move somewhere.

I believe even one nonfood Class C license is too much for this small town regardless of the proximity to residential dwellings.

KATHY VERLO,
Birmingham

Prevent Holocaust

Editor:

While it is most important to remember the Holocaust which caused the murder of six million Jews during World War II, it is just as necessary to prevent a new Holocaust today.

The Carter administration's "policies" of reneging on military and diplomatic promises made to Israel and putting one-sided pressures on her constitute a very real threat to the security and even the survival of the State of Israel.

A few recent events illustrate the turnaround in President Carter's campaign platform of 1976.

One is the American construction of an airbase in Saudi Arabia, far from the oil fields but very close to the Israeli port of Eilat. And proposing to supply Saudi Arabia and Egypt with highly sophisticated offensive aircraft which will be used against whom?

Second is the Carter administration's silence over the conquest of most of Lebanon by Syria, but the swift criticism of Israel's attempt to prevent terrorist raids from southern Lebanon into Israel. The United States might be playing the game of international power politics, but Israel is fighting for her existence.

One only has to remember 1962 when our nation felt threatened enough by the stationing of Russian missiles in Cuba (90 miles from our shores) to issue a war ultimatum to the Soviet Union if those missiles were not removed.

A third major blunder by President Carter was his invitation to have the Soviet Union reintroduce her influence in the Middle East; to the consternation of Saudi Arabia and Egypt, as well as Israel.

Lastly and most deplorable are the veiled attempts by President Carter to intimidate and divide the American Jewish community from its traditional rights as American citizens from expressing their support of the right of the State of Israel to exist in peace and security.

JAMES A. HACK,
Birmingham

Hurrah for some

Editor:

As an 18-year veteran of the struggles of Birmingham (I led the civil rights march of 1964, was active in the open housing campaign which followed, and live at 823 Madison), I was just beginning to feel comfortable about living in our favored city.

You see, as a Christian and a liberal Democrat, it is not always easy to feel that way in our particular community. But then, alas, my hopes were dashed when I realized that the majority of the citizens of Birmingham consider railroad bridges more important than senior citizens and poor people.

The good citizens are willing to accept government financing to help pay for the repair of the railroad bridge that crosses over Adams Road somewhere between Big Beaver and Derby, but they're not willing to take advantage of a generous federal and state government birmingham scene.

As I mentioned earlier, I am a religious man, and therefore, I want to share a hopeful flicker of light in this otherwise darkened cloud that hangs over our fair suburb.

First of all, congratulations to former mayor Dorothy Conrad, commissioners Pat Watt and Ann Driepiewski and former commissioners Sam Staples, Herb Ring and Art Underwood, who set beautiful example for all of us to be grateful for.

Thank you, Dorothy Conrad, and all of you who have worked so hard to fulfill the religious responsibility to love our neighbors as ourselves and to do unto the least of God's little brothers and sisters as we would do unto His son, Jesus.

A word of gratitude should also be extended to the Rev. Gerald O'Grady Jr., rector of Christ Church Cranbrook and all of the people of that great parish who support the arrival of the Rev. Elizabeth "Betsy" Meyers as she begins her ministry at Birmingham's and Bloomfield Hills' first woman priest.

The more I think of the witness of people like these, the better I'm beginning to feel. Hurrah for Dorothy Conrad, Gerald O'Grady, and all of the people of our community who witness to the love of God, neighbor and self.

CARL RUSSELL SAYERS,
Rector, St. Stephen Episcopal Church,
Bloomfield Hills

Don't recall

Editor:

These remarks reflect the opinion of the writers with regard to the forthcoming recall of the three present commissioners whose opinions concerning financing of senior housing differ from the majority of the electorate who took the time to vote in the last election.

All the commissioners agree that senior housing would be a desirable addition to the city. All the commissioners agree that Birmingham is a fine community in which to live and raise their families. And all commissioners have demonstrated their intent as responsible citizens by taking on the obligations of civic representation.

It would appear, therefore, that more unites them than separates them. It is our view that the present commissioners, who are up for recall, have much valuable experience to offer the new commissioners.

While sincere, the new members are

relatively inexperienced in their new duties and for the next few months will really be on-the-job trainees.

We are personally acquainted with Patricia Watt, and in working under her leadership and in conversations with her over community problems, we have found her always to be concerned, understanding, conscientious, open-minded and of lady-like demeanor in her civic undertakings. To remove her from office would gain nothing for the community and deprive it of much.

Mrs. Conrad and Mrs. Driepiewski have put in long hours over their concerns for Birmingham's problems and removing them from office would also remove experience from which the community only stands to gain. Time is too short and energy too valuable to waste in creating an atmosphere of animosity and hostility. No creative solution of problems can exist and grow in such a climate.

We hope that the present commission and the citizens of Birmingham will give serious consideration to such a radical move as recall for views which may differ from others but are nevertheless genuine.

All of us have a common goal—senior housing for Birmingham seniors. We have seven intelligent and sincere commissioners who support this goal. With genuine concern and cooperative effort, the combined experience, intelligence and honest goodwill of all should be able to lead us to a satisfactory solution to the senior housing goal.

J.A. HUNTER,
Birmingham

End hate, fear

To New B'ham Commissioners:

Best wishes to you in your demanding new duties.

I was among the 40 per cent who voted for the incumbent commissioners, rather than with the 50 per cent who supported you.

And I voted for the MSHDA housing you opposed because I am convinced that this was the only feasible way to help our seniors with the greatest need—the 150 with incomes averaging less than \$5,000.

However, that is water over the dam. You are now our commissioners and all people of good will must hope for your success in dealing with the

difficult problems confronting the city. We must work together to keep Birmingham a fine place to live.

Therefore, I respectfully call to your attention the fact that there is still a genuine need for subsidized housing as evidenced by the study just completed by the housing commission. Sadly, a solution is now probably years away, and it will probably require federal rental subsidies when it does come. Be that as it may, there are plenty of us interested in helping on this project when it again becomes active.

ANOTHER SERIOUS issue is the pending recall. No matter how you slice it, this is a stain on the reputation of Birmingham. It suggests that we, like a nearby suburb, have some convicted embezzlers we must oust. Nothing could be further from the truth.

The petition group has done the city and these fine commissioners a grave disservice in insisting on the recall after the housing questions went on the ballot. Not one of our commissioners of the past 17 years has deserved the "cloud of recall" as Mayor Robert Kelly terms it. The city remains deeply divided as a result of this election.

The division will become deeper and more bitter if the 40 per cent who did not vote for you are completely disenfranchised by losing our three commissioners through recall. It's unnecessary.

You already have a majority. I realize that you will try to represent all of us, but there are problems. You favor an elected mayor, many of us do not.

Mayor Orville Hubbard was fine for Dearborn. We prefer our present system. And so on. The present Birmingham Commission, including the three commissioners "under the cloud," would be very good for Birmingham.

The experience, judgement and dedication of Commissioners Dorothy Conrad, Ann Driepiewski and Patricia Watt would be very valuable in the months to come. I respectfully ask that you urge your supporters to oppose the recall, and help heal the wounds.

Now let's put an end to the hate and fear campaign against HUD, MSHDA, and the federal and state governments in general.

STAN CONNELLY
Birmingham

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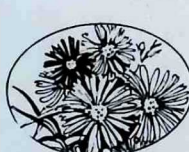
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DO YOU WANT QUALITY, LEGITIMATE THEATRE IN YOUR COMMUNITY?
Central Park Properties, owners of the Birmingham Theatre, have requested a Class "C" liquor license from the Birmingham City Commission in order to serve its patrons, upon request, alcoholic beverages at the theatre. Alcoholic beverages would only be served at the theatre prior to a performance and during intermission. There will be no sit down bar and alcoholic beverages would only be served on an evening when there is live entertainment. Central Park Properties estimates that less than 10% of its gross revenue from the theatre will be derived from the sale of alcoholic beverages. However, the revenue generated from the sale of the alcoholic beverages is necessary in order to insure a continuance of quality productions.

The following list of entertainment is tentatively scheduled at the Birmingham Theatre:

May 18-20	David Brenner
May 24-27	Robert Goulet
June 1-3	Brookside Jazz Ensemble & The Unknown Comic
June 8-10	Herbie Mann & Sarah Vaughan
June 22-24	Roberta Flack
July 5-August 5	"By Strouse" Broadway composer Charles Strouse writer of such shows as "Applause", "Annie", "Bye Bye Birdie" and "Golden Boy"
August 7-26	"Magic Show" featuring Doug Henning
September 5-16	"Les Girls-Les Girls" with Milton Berle
October 9-21	"Miss Margardida's Way" starring Estelle Parsons
October 22	Alvin Ailey Dance Company
October 25-29	John Houseman's Lincoln Center Acting Company in "Captain Jinx of the Horse Marines", "Romeo and Juliet", "Antigone" and "The Other Half"
October 30-November 4	"Paris Was Yesterday" starring Celeste Holm
November 6-18	"The Passion of Dracula" title role played by Jean-Pierre Aumont
November 20-26	Emmett Kelly Circus

The Birmingham City Commission on the evening on April 17th indicated to Central Park Properties that the residents of Birmingham are opposed to alcoholic beverages being sold in the theatre prior to a performance and during intermission. Central Park Properties is convinced that a substantial number of residents in the community are not opposed to allowing the theatre to serve alcoholic beverages.

WE NEED YOUR HELP!

Please fill out the box below signifying your approval of allowing the Birmingham Theatre to serve alcoholic beverages on the evenings when the theatre is presenting live entertainment. If you are unable to return your answer, please feel free to call either 642-0010 or 642-0024 and Central Park Properties will be more than happy to pick it up.

Respectfully yours,

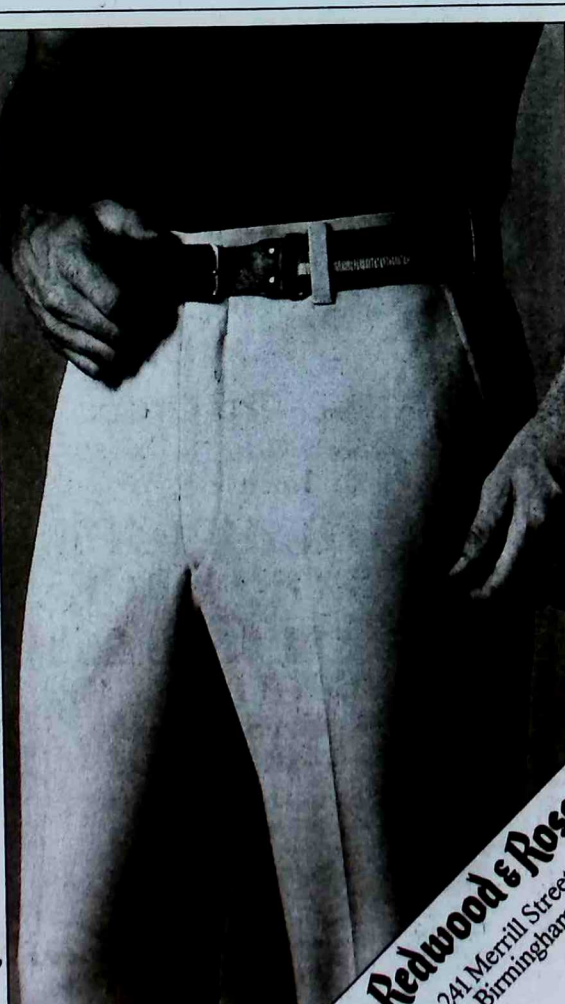
Ernest Fuller
Edward A. Fuller
Gary P. Deeb

I, (we) resident(s) of the City of Birmingham are in favor of allowing the Birmingham Theatre to serve, upon request, alcoholic beverages to its patrons prior to and during intermission when the theatre is presenting live entertainment.

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editorial opinion

What is the motive behind B'ham recall?

Birmingham voters should turn out in record numbers on May 8 to reject the recall of three incumbent city commissioners.

It is time for the city to heal its wounds and put behind it one of the saddest chapters in its history.

Dorothy Conrad, Patricia Watt and Ann Dropiewski may be removed from office ostensibly because they would not let Birmingham residents vote on a senior housing project.

But these commissioners voted to put senior housing on the ballot. So why are they being recalled?

No one can give a satisfactory answer.

WHEN VOTERS went to the polls on April 3 they not only defeated two proposals for the construction of senior housing, but also turned three competent commissioners out of office. Arthur Underwood Jr., Samuel Staples and Herbert Ring were replaced with three new commissioners who ran on a slate opposed to the senior housing proposals.

The new commissioners said they were against an "unresponsive city commission."

They got a taste of their own medicine when at the second meeting of the new commission, it was decided to deny a liquor license to a new live theater operation.

One of the theater owners said later, "I don't think the commission is being responsible to its constituents."

The owner threatened to pass out petitions to pressure the city commission into granting the liquor license. Some of the commissioners he is attempting to pressure were circulating their own petitions only a few months earlier.

IT IS INTERESTING and more than a little silly.

Any time a large group disagrees with the city commission it can charge the commission is "unresponsive" and circulate petitions. If the current recall is successful, it will only encourage other campaigns by disgruntled residents.

For example, in Orchard Lake a group of people opposed to high density development succeeded in recalling the mayor and three council members in May 1976. Last August a group supporting high density development successfully recalled three other council members.

IN THE AFTERMATH of Birmingham's April 3 election, many people were shocked by the defeat of three able city commissioners. On May 8 three more commissioners may be turned out of office.

If the commissioners are defeated, six of the seven people serving prior to April 3 will have been forced to leave their positions. The only commissioner remaining will be Robert Kelly.

Kelly, who was frustrated in his attempts to be elected mayor in 1975 and county commissioner in 1976, got the new city commission to appoint him mayor on April 10.

We ask again, why are three city commissioners being recalled?

It doesn't take much sophistication to see that Birmingham city government is in the middle of a power grab by Mayor Kelly.

Level-headed Birmingham voters must make sure this does not happen. It is time for them to come forward and regain control of their city government.

Boost for Laura

It could have happened to any of us. Born prematurely 23 years ago, Laura Pappas of Farmington Hills was placed in an incubator and overexposed to oxygen. It cost her most of her sight. She can distinguish only light.

Nevertheless, Miss Pappas has been able to graduate from Western Michigan University in music therapy — she plays a half-dozen instruments — and moves about with the guidance of a Leader Dog named Flame, a Belgian Tervuren.

Laura and Flame are among 350 teams who graduate each year from the Leader Dog School in Rochester after a four-week course.

Running the school is an expensive proposition — it costs \$3,500 to train each team. The Leader Dog School's chief sources are 35,000 Lions Club members throughout Michigan.

The Leader Dog School is the most famous effort of the state's 500 Lions Clubs, but there are many other works. Among them are the Welcome Home in Grand Rapids, the Penrickton School in Taylor, eye examinations, glasses and Braille equipment.

The Lions Clubs, as we said, are a major force in underwriting this work, but they don't work alone. They are helped by the public — us. Each year we help by:

- Buying a white cane lapel pin from a Lions Club member.
- Obeying the law that requires motorists to

SEMTA gets room to maneuver

You have to look carefully at the 19-6 resolution passed last week by the Oakland County Board of Commissioners.

It warns the Southeastern Michigan Transportation Authority, Gov. Milliken and Detroit Mayor Young that Oakland will pull out of the seven-county SEMTA agency Oct. 1 unless two things happen.

One is that OCART, an Oakland countywide bus system, be in operation. OCART was announced nearly a year and a half ago and still hasn't been funded. Oakland folks are getting impatient, with justification. The other condition is that SEMTA's rapid transit plan be "void of a costly and extensive subsurface, elevated or other capital intensive transit system for one city." That's the part you have to read carefully.

THERE ARE hard-line anti-subway people — the Oakland County Road Commission comes immediately to mind.

There are hard-line pro-subway people — the mayor of Detroit is most vocal.

There are two main arguments for a subway.

One is that a rapid transit line would be a disruptive influence on downtown Detroit streets. If a rapid transit line were to be built where it wouldn't be disruptive, it might be too far away from major buildings, and patrons would be discouraged from using it on cold, blustery days.

The second argument is that a subway costs 10 times as much to build per mile as surface transportation. Thus, a subway would create a lot of jobs. Young wants as much money as possible spent in Detroit. If there were federal funds for digging holes and filling them up again, Young would be first in line, palm extended upward.

Building as little of the line as possible underground, to avoid traffic problems and encourage patronage, makes sense.

Building as much of the line as possible underground, to generate unnecessary jobs, is wrong.

ANTI-SUBWAY persons see the Oakland County board resolution as disapproving, in advance, of any subway. But if you'll look carefully at the

wording, there's an honorable way out.

The Oakland commissioners spoke of an "extensive" subway. "Extensive" is never defined. But the wording never precludes any subway at all.

Thus, if SEMTA came up with a plan that minimized subway construction, it would presumably be acceptable to Mayor Young and to the co-headed majority of the Oakland County Board of Commissioners.

Oakland County commissioners aren't experts determining how much subway is or isn't needed. Mayor Young is no expert. The Oakland County Road Commission is no group of experts, and is biased, to boot. The Michigan Legislature is a crowd of experts.

If there are any experts, they are in the employ of the Southeastern Michigan Transportation Authority.

Besides having to do a good planning job, SEMTA will have to resist being politically stampeded into building too much or too little subway.

That's a tall order. But it deserves to be done.

Mary Connely-Szczesny writes

Impress your friends with B'ham trivia

Birmingham's proposed 1978-79 budget is never going to make it to the best seller list.

But some of its 65 pages are just as interesting as Irving Wallace's blockbuster "The Book of Lists."

Wallace, after all, is making a bundle telling people the most common names and popular cities worldwide and delighting thousands with list after list of such trivia.

Birmingham residents may be equally amused at some of the little-known facts buried under a deluge of numbers in the city's proposed budget for the fiscal year starting July 1.

For example, a close reading of the budget will tell you:

- That Birmingham residents and businesses throw away roughly 64 tons of rubbish each day. By July, it will cost \$10 per ton to incinerate the trash.

- That in a year, Birmingham collects and disposes of roughly 103 truck loads of logs and brush; 3,264 tons of commercial refuse; 12,150 tons of residential refuse from 8,614 properties; and 3,169 cubic yards of land fill material.

- That last year, Birmingham police responded to 19,317 incidents in the city and traveled 276,061 miles. The cops also investigated 1,017 accidents, issued 4,921 traffic tickets and arrested 52 drunk drivers.

- That 35,010 parking tickets were issued last year.

- That the Birmingham city clerk's office issues over 50 different types of licenses and publishes nearly 800 pages of minutes a year.

- That there are more than 5,000 traffic signs and 1,000 parking meters in Birmingham.

- That Birmingham has 646 fire hydrants and each was inspected at least 10 times by the fire department last year.

- That Birmingham's building department inspects more than 200 swimming pools each year. In all, the department made 1,051 property inspections last year to enforce building, electrical, plumbing and other codes. Of those, 952 ended in written violations.

- That Birmingham has 98 miles of water mains maintained by the department of public works.



We are all part of the throw away generation. Birmingham's businesses and homeowners discard about 64 tons of rubbish every day.

- That there are 125 miles of sewers in the city, also watched over by the department of public works. Last year, the department cleaned 24 miles of sewers.

- That last year, 646 catch basins were cleaned.
- That Birmingham has 21 miles of major streets and 62 miles of local streets which must be patched and maintained.

- That last year, the department of public works swept 2,400 curb miles of streets and collected 5,000 cubic yards of leaves.

- That in a typical year, 2,000 tons of salt will be spread to combat snow and ice on city streets.

- That Birmingham has approximately 300 acres of parks and recreation areas.

- That city residents can avail themselves of 22 hard-surface tennis courts, 11 softball and baseball

diamonds, three natural ice rinks, 18 park areas, a six-acre nature preserve, 14 acres of lakes and several miles of river trails.

WHILE SUCH statistics may be something only an ardent Birmingham resident could come up with to memory, they do add some color to the column of numbers in the budget.

And while the statistics don't touch on many of the programs and services offered by the city, they do indicate where some of the taxpayer's dollars are going.

A \$7 million budget, after all, is just the cumulative cost of a hundred chores like cleaning catch basins, spreading salt and emptying parking meters.

(Mary Connely-Szczesny is a staff writer on the Eccentric)

English, it's not

Our languishing language

We're changing our language constantly. Words meant one thing five or 10 years ago. They mean something else now. Listen:

Remember when "hippie" meant big in the hips, And a "trip" involved travel, in car, planes or ships.

When "fix" was a verb that meant mend or repair And "be-in" meant simply existing somewhere.

When "neat" meant well organized, tidy and clean, And "grass" was a ground cover, normally green.

When lights and not people were "turned on" or off, And the "pill" might have been what you took for a cough.

When "joint" was a place where the gang used to go, And money was money, not "green stuff" or "dough."

When "camp" meant to quarter outdoors in a tent, And "pop" was what the weasel went.

When "groovy" meant furrowed with channels and hollows, And "birds" were winged creatures like robins and swallows.

When "square" meant a 90 degree angled form, When "fuzz" was a substance that's fluffy like lint And "bread" came from baskets, and not from the Mint.

When "roll" meant a bun, and "rock" was a stone, And "hangup" was something you did with the phone.



by HANK HOGAN

When "chicken" meant poultry and "bag" meant a sack, And "junk" trashy castoffs and old bric-a-brac.

When "jam" was preserves that you spread on your bread, And "crazy" meant balmy, not right in the head.

When "cat" was a feline, a kitten grown up, And "tea" was a liquid you drank from a cup.

When "swinger" was someone who swung from a swing, And a "pad" was a soft, sort of cushiony thing.

When "way out" meant distant and far, far away, And a man couldn't sue you for calling him "ga."

When "dig" meant a shovel and spade in the dirt, And "put on" was what you would do with a shirt.

When "tough" described meat too unyielding to chew, And "making a scene" was a rude thing to do.

Now words once so sensible, sober and serious, Are making the freak scene like psycho-delinquency.

It's groovy, man, groovy — but English it's no Methinks that our language has gone to pot.

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Chairman of the Board
(on leave of absence)
Richard D. Agninin
President
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The Eccentric
Birmingham-Bloomfield Edition

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And "pop" was what the weather was.
When "groovy" meant furrowed with channels and hollows.
And "birds" were winged creatures like robins and swallows.
When "square" meant a 90 degree angled form.
When "fuzz" was a substance that's fluffy like lint.
And "bread" came from baskets, and not from the Mint.
When "roll" meant a bun, and "rock" was a stone.
And "hangup" was something you did with the phone.

And a man couldn't sue you for calling him a jerk.
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And "making a scene" was a rude thing to do.
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Methinks that our language has gone to pot.

Readers' forum

Teens' 'night out'

Editor:

I found the article in your April 20 issue about "unruly teen parties" very interesting. Having attended a few myself, I would agree that they can cause traffic problems.

However, this is also true of adult parties, which are more numerous than teenage parties. The difference is that adult parties appear in the social columns instead of on the front page.

I can also say that the police are generally fair and courteous when breaking up or patrolling parties, but occasionally they cause their own problems. I was at one of the largest parties in memory last year in Southfield, where approximately 2,000 people listened to two bands perform.

In many ways it was a model party. There was plenty of space for the people, the neighbors and police had all been notified well in advance and there were abundant trash containers.

However, after the party was over and everyone was in the process of leaving, the police took it on themselves to clear out the area. I witnessed several officers conducting illegal searches of people leaving the party, which is what led to one drunk teenager throwing a beer bottle at an officer.

I OWN an electric guitar and amplifier and am as aware as anyone how loud a party with a band can get. However, I must point out that there are no real alternative locations for teenagers who want to be entertained.

Anything called a community center in areas such as Birmingham must be considered a joke. Either they are non-existent or they are run by adults unresponsive to the type of entertainment teenagers like. Similarly, churches and schools have been reluctant to sponsor rock concerts or dances even though funds raised by such events can help support such things as school theaters, ecology clubs, etc. (one exception to this is the Birmingham Battle of the Bands on June 1).

If the local communities would make these alternatives available to teenagers, the communities would not have to deal with so many "unruly parties."

The caption underneath the drawing accompanying the article read "Parents of teenagers returning from an evening out are sometimes surprised by the reception awaiting them."

What you missed is that teenagers also deserve an evening out. Whether they enjoy themselves in someone's back yard or in some other location is up to the community.

RALPH WHITE
West Bloomfield

Housing roulette

Editor:

In response to your April 20 editorial, I will tell you why three Birmingham citizens rejected a senior citizen housing project (with low-income housing strings attached.) We know how fragile a community is. We saw one destroyed.

My mother, who is a low-income senior, my sister and I moved here about 2½ years ago from a once-nice, working class Detroit community.

After our community became more and more black (it happened like a brush fire after the Detroit riot), the crime became unbearable with robbery, vandalism, muggings and sometimes murder becoming commonplace. My family was hit several times, and we are truly lucky to be alive.

The white people who stayed (including us) were not racist and tried hard to keep the community stable, such as forming block groups with both black and white citizens of good will to fight white flight, neighborhood decay and block busting of real estate agents. It was a losing battle, and battle it was.

We lived next door to a vacant HUD house that was completely vandalized and had to be torn down. On the other side of us lived the kind of people you can get in low-income housing. It was a low-cost, tract house that was built on a small lot next to us. The woman was on ADC. She was white and had two illegitimate children and lived with four (yes, four) black men in a small, three-bedroom house. These people sold drugs, and the house was raided once. Two of the men were arrested, but they were back in two days.

Low-income housing is a game of Russian roulette. I hope the people of Birmingham never have to find out the truth of the saying, "The road to hell is paved with good intentions."

BETTY MARTIN,
Birmingham

Is it wrong?

Editor:

Is it wrong?

Is it wrong for Paul H. Johnson to get a tax rebate?

Is it wrong for a retired middle income person to get a tax rebate?

Is it wrong for property owners to hand their homes to their children who are in low incomes after taxes.

Is it wrong for utilities to hike their bills without your approval?

Is it wrong for the historical society to tell an ethnic group what is history?

Is it wrong to have a taxpayer's revolt in front of NAACP headquarters?

Is it wrong for Mayor Kelly to invite Mayor Young for a barbeque in my backyard.

Is it wrong to worry about Jews and Palestinians when "Holocaust" takes place in homicidal Detroit.

Is it wrong for me to sign?

YOLANDE LOIKO,
Birmingham

Artist burned

Editor:

I, Howard Nordlund, am an artist (professional painter of fine arts). By this, I make my living entirely through the sales of my paintings.

Congressman Richman has a bill soon going to the Senate for approval. It is H.R. 7896 with H.R. 6715. It pertains to changing the estate tax of an artist.

For, as of now, when an artist dies, his entire life's work becomes taxed on his estate at market value. With Congressman Richman's proposal the tax would be on the material costs. But, when an artist donates his work to a charity (I am asked five to ten times a year) the only tax write-off I receive is the material costs. So, every where you turn—right now—you lose.

As an artist, I know the need for this. For as of now, artists are burning or destroying their inventory, rather

than burden their families with these tremendous taxes. Because of the high tax, the family may be left penniless.

An artist rarely sells every piece he creates. Sometimes the stack against my wall gets pretty big. I have also some experiments in my studio that should have been thrown away a long time ago. If I knew when I were to die, I would of course discard them. But, should I have to?

The first time that I was really, really proud to be an artist was in viewing another artist's work—a painter I had admired and formed a new friendship with from New York. I was invited to his studio and saw his near completed latest painting. This turned out to be his last painting. For he died less than two weeks after we met.

Two years later, I saw this same painting again in a museum. It gave me a warm glow all through my body. I had seen my friend again. As I am an artist, too, my work shall live forever. This proud feeling I shall never lose.

Viewing paintings of the old masters did not touch me as how an artist's work lives forever. It took knowing a person and then their dying.

Must my work be destroyed before I die? Or, may it live for my family and the world to enjoy?

HOWARD R. NORDLUND,
Bloomfield Hills

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Here's why:

Severe weather and a long coal strike forced Detroit Edison to turn to supplementary fuels and power sources to maintain uninterrupted electric service during January, February and March.

If coal had run out, many people might have been put out of work, as in some other states. And a lot of people would have been without electricity during rotating blackouts.

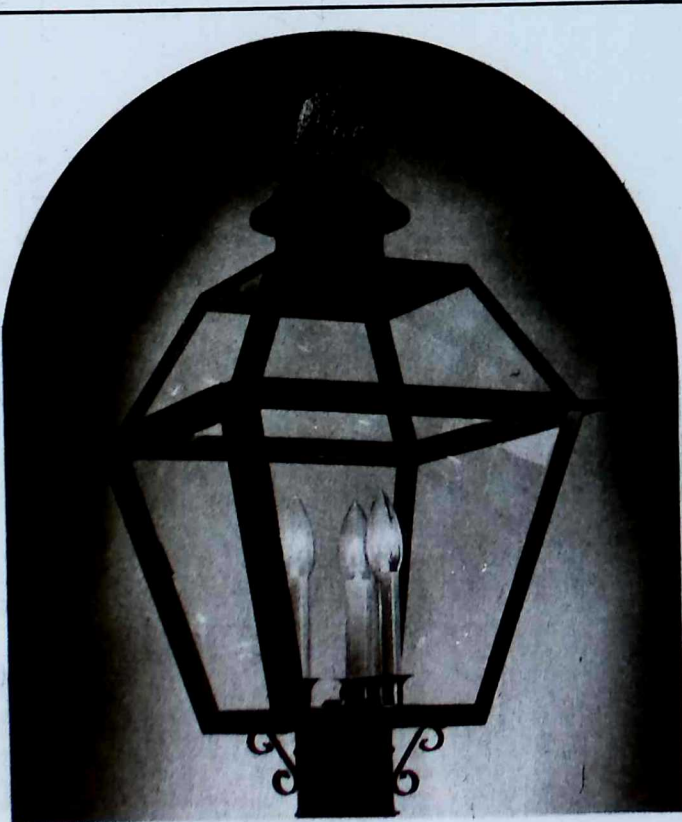
But here in southeastern Michigan, Detroit Edison and the Michigan Public Service Commission

The total cost: about 50 million extra dollars for January, February and March.

The result: higher electric bills in April, May and June.

Not one cent of the increase pays for other costs of providing electricity. Not one cent goes into Detroit Edison's profits.

When considering the alternatives, Detroit Edison hopes you agree that higher electric bills are a reasonable price to pay to have kept the power in



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the size of your electric bill

Detroit Edison

18A(B)

Thursday, April 27, 1978

From our readers

No 'entanglements'

Editor:

Now that our city has achieved the status of a "closed community," it is appropriate to ask ourselves if we really need the Adams Road bridge replaced at a cost that requires federal funding and the consequent entanglements with that "foreign bureaucracy."

To retain the character of our city as a desirable residential community, we must discourage commuter and commercial traffic through our town. Every effort should be made to shunt traffic around instead of through this area. Bottlenecks help to do that. The bridges on Adams Road and Derby Road are critical points. Let's start with them.

THE ADAMS Road bridge could be repaired to be structurally safe for cars and light trucks, limited to two lanes with rough surfaces to slow down speeders. Should it become imperative that the bridge be rebuilt, why not a toll bridge? That option might be preferable to any further "entanglement with Washington."

Isn't it time to restrict our community in respect to traffic and highrise buildings instead of types of population?

PAUL D. CARTER,
Birmingham

Fine article

Editor:

Thank you for the space and fine article you devoted to musical therapy, one of the many things volunteers are doing for senior and handicapped citizens. Can we read more about these types of positive exchanges in the future—especially after our recent election and ensuing publicity has unjustly colored Birminghamites in another light?

KATHY VERLO,
Birmingham

Selfish aims

Editor:

The commissioners who so doggedly pursued their selfish aims and ignored their constituents must be removed from office. It cannot be assumed that their desires for social experimentation will stop with the defeat of their former fellow commissioners.

Mainly, Commissioner Dorothy Conrad cannot be expected to act other than she has in the past, namely pursuing her own dictatorial will. How can we expect Mrs. Conrad to speak rationally for the people of our community when she has stated publicly that we are all racists, and that despite the election with its overwhelming defeat of the MSHDA proposal, she would do it all over again just as she had done?

None of her two remaining cohorts, Patricia Watt or Ann Drowiewski, has even taken her to task for her name calling of our community, so they must be in agreement with her. I hope the good people of Birmingham will vote "yes" to remove those three social architects from office on May 8.

LELA STAMP,
Birmingham

Let's hear the truth

Editor:

Is there any one of the Nancy Elby group that can answer the question. If so, do. How did they get the citizens of Birmingham to do their dirty work under false pretenses and underhanded tactics?

In all my years in Birmingham, I have never seen or heard of such evil conniving going on. By what rules did the Elby group use to nominate the present mayor (Robert Kelly)?

I would like to say, he wasn't a good mayor back in '76 because when I stood up one meeting night and asked him if the senior citizen complex was a certainty, he answered "yes." He said they would be breaking ground in April. Well, Aprils have come and gone, still nothing. What did he do to

keep his word?

Are we going to sit back and allow the same untruths to go on? Birmingham has made radio, television and in several newspapers in the past week, plus criticism from the NAACP after Birmingham was the first city in Michigan to announce for open housing.

Do you remember the hot summer in Detroit, in 1967? Well we can expect one here. And I don't mean climate-wise. Just outsiders coming in and protesting against everything the present commission stands for.

If the present members of the commission haven't been a group of connivers, then show the majority of Birmingham citizens the truth. I challenge you to prove it and keep your word.

If the citizens of Birmingham care or are concerned about the future of

our city, then on May 8, re-elect the three ladies who could be recalled. Already other communities are being critical of our city.

Let change the picture.

BEULAH PETERSEN,
Birmingham

'Slap down' praised

Editor:

Heartiest congratulations to the good burghers of Birmingham for slapping down so decisively that low-income housing plan (that euphemism for the backdoor entry of undesirables into Birmingham) and for emphatically booting from office those who dared to defy or who so badly miscalculated community opinion.

To bleeding hearts, do-gooders, to even the most benighted, the message was abundantly clear—if the people don't want it, it shall not pass.

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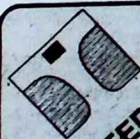
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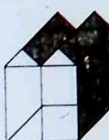
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From our readers

Join the contest

Editor:

There is an organization new to Birmingham, that is increasing in popularity. It is called, Save Harried Irrigated Tired, Mom. Not everyone can join.

You must be nominated by your friends and neighbors, and most importantly, you must own a dog. Children hereabouts have been unknowingly referring to this group for years when asked by mom, "Son, what is that goopy brown stuff all over the bottom of your shoe?"

Nominees fall into two categories. Those who take their precious pets to the nearby school yard for "exercise" and other things and those who have "night" dogs.

Those in the second category usually have dogs who are allergic to leashes, sunlight and a human being at the other end of the leash. These dogs, perhaps because of their ignorance, usually do not find their way to a school yard. They do, however, in their endless search, make many stops along the way.

A NEW category, not yet finalized, will be for dogs with concreteomania. These canines, when given freedom, always head for sidewalks. It is an erroneous rumor that this category will be titled "Slip and Slide."

And now for the prize. Winners will receive their very own parade, complete with banners and music, ending in their own front yard. Paraders, mostly children, will be complete with decorated buckets, bottles of disinfectant and brightly colored sturdy paper towels.

Honor thy neighbor. Give him or her his or her own parade. Send in your nominations. If you are unable to locate the address of this organization, do the next best thing. Let your friends or neighbor know, that at the first opportunity, you will be happily submitting their names.

MARGARET L. BETTS,
Birmingham

After school buses

Editor:

Referring to The Eccentric Article on the Board of Education meeting to determine the monetary value of running after school activity buses.

As a parent, resident, and taxpayer of the Covington Junior High School attendance area, I strongly endorse continuation of these buses, banning restrictions as to whom may ride.

With the amount of youth oriented vandalism, alcohol abuse and drug usage as stated by school and police authorities, I cannot phathom howwith any conscience the board of education can penalize those students who are interested in chaneling their excess energy and enthusiasm into positive release activities.

We cannot perpetuate running a nation of minority rule. It is time we reward the positive young people and punish, hopefully trying to rehabilitate, only those who are destructive to themselves, society, and its laws.

Please, begin to positively reinforce our young people; give them extra-privileges and benefits for being on the plus side and refrain from giving so much to those who are violating the rights of others.

DIANE G. BENEDICT,
Birmingham

Distressing actions

Editor:

It has been quite distressing to observe the recent actions taken by the City of Southfield regarding the proposed Park LaSalle development.

City officials acted contrary to their word in granting a building permit to the developers without notice. Rather than giving prior notice of their decision to concerned groups, as was agreed, the permit was granted in secret. When this decision became public knowledge, the builders had already started construction.

FRANKLIN VILLAGE has acted in good faith in their recent appeal to Southfield's zoning board of appeals to reconsider the council's approval of the site plan.

The board was to meet on April 18 to make this decision. However, this meeting was postponed while the city attorney Sigmund Beras examined the matter. Then, without any warning, the building permit was granted and the project was underway.

This is the second questionable action on this issue taken by Southfield officials in the past few weeks. In March, the city council granted what appeared to be "automatic" approval of the Park LaSalle project after hearing literally hours of testimony demonstrating the weaknesses of the community impact statement submitted by the developers.

These actions by the council lead one to question whether due process of law is really operating here. I seriously doubt whether Southfield officials know the true sentiment of their own citizens regarding this controversial project.

From the manner in which they have been conducting their affairs recently, one has to question whether it would even make a difference.

ROBERT J. CARRICO,
Franklin

Reason for recall

Editor:

It has been suggested by certain elements in Birmingham that recall should be reserved only for officials who have committed crimes of the

greatest magnitude. What could be a greater crime than to subvert the very basis and meaning of our representative form of government? Non-representation or misrepresentation is a crime of great magnitude. The commissioners simply did not bother to represent the people.

It should not be forgotten that former mayor Conrad, commissioners Dropiewski and Watt with the other now-defeated commissioners formed a bloc, intentionally deaf to the voice of the advisory petitioners, who asked only to vote on an important issue.

We no longer have representative government when we condone such indifference. In the name of democracy, we must remove those commissioners who have stubbornly stood in the way of representative government. Commissioners Conrad, Watt and Dropiewski must be recalled.

CHARLES MARCH,
Birmingham

Who's to blame?

Editor:

In his understandable sympathy for the Palestinian people, John M. Peters states that they have been dispossessed of their country and blames the survivors of the Holocaust for their plight. The historic facts lead to a different conclusion as to where the blame lies.

In 1948, prior to the Arab-Jewish War which led to the establishment of Israel, the Arab states urged the Palestinians to leave their homeland with the assurance that they could

(Continued on page 17A)

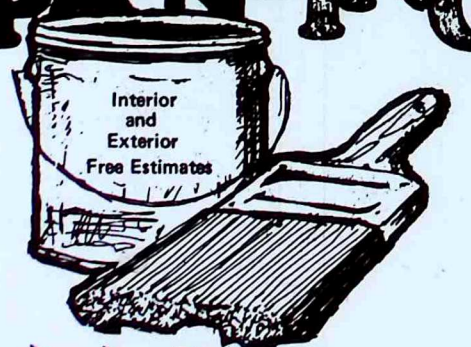
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Our Spring Celebration begins May 1 and runs as long as the supply of rosebushes and houseplants lasts. The free offer is limited to one rosebush or one houseplant per customer. Sorry, gifts cannot be mailed.



16A(B)

Thursday, May 4, 1978

editorial opinion

Recall defeat will require voter turnout

Recall elections usually bring a dismal response at the polls.

The organized group behind the recall movement turns out in full force to vote "the rascals out of office." The rest of the voters ignore the election.

As a result, elected officials can turn over quickly.

We hope that Birmingham on Monday will prove to be the exception to the rule. If the majority of the voters are apathetic in this election, it is likely that six of the seven city commissioners serving prior to April 3 will be removed from office. Three incumbent commissioners were defeated on April 3.

WHAT CRIME have Commissioners Dorothy Conrad, Patricia Watt and Ann Drowiewski committed that justifies removal from office?

Recall supporters are vague on that subject. They claim the commissioners did not want to put the proposed senior housing project on the ballot for the voters. But Commissioners Conrad, Watt and Drowiewski all voted to put the senior housing question on the April 3 ballot. The proposal was subsequently defeated by the electorate.

Thus, there is no reason for the recall election. It only serves the political ambitions of Robert Kelly, the only pre-April 3 city commissioner not threatened by the recall. Kelly was elected mayor of the city through the votes of the three new city commissioners.

AS WITH MANY BALLOT propositions, care must be taken in the voting booth. The wording of the ballot will require those who support the present city commissioners to vote "no."

It will read: "Should (blank) be recalled from the office of City Commissioner of the City of Birmingham?"

We vigorously urge a "no" vote on the proposed recall of three commissioners who have served this city well.

Your new camera

A few weeks ago, one of our writers suggested, only half jokingly, that camera companies be required to run corrective television commercials aimed not at selling folks cameras but showing them how to get the best out of the excellent equipment they purchased.

The camera companies and the commercial television stations paid no attention, even though they are best equipped to teach photography en masse.

But we are pleased to note that public television, Channel 56, is starting a 13-part series called "Taking Better Pictures." It will be shown at 1 p.m. Saturdays beginning May 13.

Photo specialist Bob Harris, as host, will offer suggestions on the uses of photography for the amateur and ideas on selecting the "right" camera.

Features of the series will be on-location tips for shooting nature scenes and a child's birthday party.

It's the kind of program that commercial television should be showing in prime time, since its pre-Christmas commercials to sell cameras were run in prime time. And once again, we see the value of having "alternative" public television to finish the job of public education that commercial TV barely starts.

Barbara Underwood writes

If pet peeves peeve you, don't read this

If other people's pet peeves turn you off, read something else.

When I stopped to think about things that bug me, I realized they fall into about three categories—things other people do or say (when they should know better), dumb things I say or do myself (when I should know better) and things over which none of us has much control.

My number one pet peeve, gripe or whatever you may call it, is in the first category—people who smoke in grocery stores. It is against the law and anyone who can read should know it.

And it is no more against the law to smoke a cigar in a grocery store than it is to smoke a cigarette, but it offends me more. I hate the smell of

cigars to start with, but in a grocery store at 9 a.m. (or any other time), it is too much.

I have complained to store managers but they always give me the same answer: The signs are posted against it and there is nothing else they can do.

MY ANSWER to that is that they can do what I am tempted to do. They can tell the offender to get rid of it. If they are afraid of losing the smoker's business, it makes me wonder why his (her) business is any better than mine.

When nothing is done, the store has one oblivious customer and one unhappy one. If the manager speaks, he has one unhappy customer and one satisfied one. Enough on that.

Super Bowl pitch may score for area

Eccentricities

by HANK HOGAN



the tourist and convention people in Oakland County and the Silverdome staff but also people who are keenly interested in helping the area, including the rival Metropolitan Detroit Convention and Visitors Bureau.

Why the Super Bowl was so attractive was that a year ago, in Los Angeles where the Super Bowl was held at the Rose Bowl in Pasadena, at least \$127 million worth of economic activity in the five days preceding the game was attributable to Super Bowl activities.

Experts figured there would be \$60 million to \$80 million worth of economic activity generated by the Super Bowl in metropolitan Detroit in the middle of January if this was selected as the site. And January certainly is not the best economic month for the area.

THE NEW SUPER Bowl committee trudged off to New York last June to make a presentation to the owners of the National Football League. There are 28 owners, and it takes a vote of 21 to pick the Super Bowl spot.

The Super Bowl committee selected the year 1981 because it wanted to have enough time to use the Super Bowl as an economic development tool for southeastern Michigan.

Detroit was given 10 votes for 1980 when it didn't even want the event.

The National Football League selects the site two years in advance so the 1981 site should have been selected in June of 1978.

The Super Bowl committee has prepared promotions, has contacted owners and was about to go public in readiness for the June meeting.

At this point, 15 owners would vote to bring Super Bowl to metropolitan Detroit in 1981, and six other votes could be convinced. After all, the Midwest is the home of football; the previous 12 Super Bowls have been played far away from the area of the country that historically supported pro football during the regular season.

THIS WEEK the National Football League announced that selecting the site for the 1981 Super Bowl would not be on the June agenda but rather on the March 1979 agenda. That will shorten the period between site selection and game time to about a year and a half.

An aide to Pete Rozelle, commissioner of the NFL, was heard to say that no city has ever put on such an extensive pitch to get Super Bowl as has metropolitan Detroit.

The Super Bowl committee was all revved up and ready to go to New York in June, and now it must slow down for another eight months. Hopefully, its momentum can be kept at a high pitch during the delay because the rewards to southeastern Michigan in January of 1981 would be so tremendous.

Editor's note: Our columnist is also chairman of the Oakland County Tourist and Convention Bureau.



Spectrum

by NICK SHARKEY

Thanks to you, we're 100 now

Monday I had a brief phone conversation with Merritt Olsen, son of Birmingham's second fire chief.

Merritt promised that if he could get his 1924 fire engine started, he would drive it over to Shain Park on Sunday for The Eccentric's Centennial celebration.

He started talking about one of the co-founders of this newspaper, Almeron Whitehead.

"You know, I listened to a radio for the first time over at his house," Merritt said. Whitehead first showed him his radio in the early 1920s.

"I'll bet you haven't talked to too many people who knew the men who started your newspaper," Merritt said. The Eccentric published its first edition on May 2, 1878.

Merritt was wrong. During the research our staff recently completed on our Centennial edition (published Monday) we talked with several people who knew both Whitehead and George Mitchell, the other founder of the newspaper.

Every time one of our staffers heard a new story about Whitehead and Mitchell, we were all surprised. It seemed strange that a newspaper staff working in 1978 would be hearing first-hand anecdotes about people who started the newspaper in 1878.

But maybe we shouldn't have been so surprised. Birmingham is a community with roots that go back many years. Anyone who takes time to listen to the people who have been around a few years can hear many stories about the old village. That makes it such a fun place to put out a newspaper.

DURING OUR RESEARCH we also learned about the close ties that have always existed between The Eccentric and the Birmingham-Bloomfield community.



It will be an old-fashioned Sunday afternoon of fun for the family when the Eccentric celebrates its 100th birthday Sunday at Shain Park.

One of our former publishers, George Averill, must have been one of the most active persons living in this area. He once wrote that during the 1920s and 1930s he seldom missed a meeting of the village council, the board of education or the township board. In his spare time, he also started the Birmingham Rotary Club and became its first president.

George Averill once wrote, "We subscribe to the conviction that the newspaper is a public trust. Though we have ownership title to the equipment and building in which to produce a newspaper, we are mindful that our readers really own The Eccentric."

Publisher Paul Averill continued his brother's tradition of remaining close to the community. He distinguished himself through unselfish contributions to numerous community organizations. Paul Averill was one of the founders of the Birmingham-Bloomfield Art Association and a leader in Family Services of Oakland County.

PAUL AVERILL is now retired and spends his

winter months in Florida. Last summer I asked his advice in planning The Eccentric's centennial.

"Make sure that you honor the community," Paul advised. "Don't just pat The Eccentric on the back. For without the support of the people, there wouldn't be a newspaper."

With this thought in mind we invited a group of community leaders into our office last fall to help us plan a celebration. Paul Averill participated along with former publisher Henry Hogan, City Commissioner Dorothy Conrad, Jim Zeder, Ken Gross, Jervis McMechan, and Janet Johnson.

From the ideas of this group came "Our Town Since 1878" which will be held from 2 to 5 p.m. Sunday in Shain Park. It should be a day of fun for the entire family and will include ice cream and cake, activities for children, a band concert, displays of newspaper photographs, antique cars and Olsen's old fire engine. In case of rain, the event will be re-scheduled for Sunday, May 14.

We hope to see you on Sunday. It will be our way of saying thanks for the your support for the past 100 years.

ENOUGH OF my pet peeves, what about other people. Without naming names, other Eccentric staff writers added these:

People who borrow books (money, etc.) and don't return, repay, etc.

People who start a conversation with, "I am not a chauvinist, but . . ."

Being seated next to the kitchen in a restaurant.

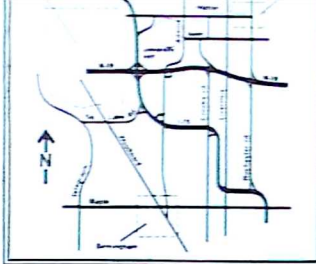
Taking the kids out to dinner for an educational

The things I do to myself include forgetting the punch line of a joke (or forgetting the whole joke), dropping the spoon in the soup kettle and thinking of what I should have said the day after I should have said it.



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All Stores Open Sunday, May 7 Except Wayne Store

18A(B)

Thursday, May 4, 1978

From our readers

(Continued from page 17A)

Kelly is one of Birmingham's most well informed commissioners.

I HAVE ATTENDED many, many commission meetings and I have never seen anyone better prepared than Bob Kelly. He spends more time in the interest of Birmingham for \$8 per week than most people spend earning their living.

I know Bob Kelly and most of the other commissioners personally. It is my opinion that Bob's only fault is his over abundance of conversation after his point has been made. However, when the coals have settled down, there isn't a better American or politician than Birmingham's Bob Kelly and we are lucky to have him.

I have often told Bob how I admire the way that he sticks to his convictions, no matter how tough things get and how I wish more of us had the same quality. Naturally, he isn't sweet and sure, he ruffles feathers, but anytime anyone is doing a job, it's impossible to satisfy everybody.

As a businessman and a taxpayer in the city, I personally feel that everyone owes a huge debt of gratitude to Bob Kelly.

Birmingham already has low income housing. I fully believe that senior citizen housing would be a good thing for any community, if properly managed (so many are not).

As a citizen, I am fed up with this "Cradle to the Grave" philosophy that so many neophytes believe in. There is no such thing as a "free lunch." The true working people of this country are being put upon by all of the free-loaders.

I personally feel that we should return to what made this country what it was in the beginning, and that is the business of making a living in an honest fashion. I believe this is Bob Kelly's philosophy.

I wish everyone who has ever been, or is connected with the Birmingham

City Commission my best wishes, as it is a difficult job at best.

ROBERT D. GWINN
Birmingham

Vote no

Editor:

In approaching the recall issue consider this:

Our city commissioners are elected in staggered terms (three in one year, two the next and two the next), so that in no single year will the majority of the commission be elected at once.

This has always been meant as a protection from machine politics, and from "mass hysteria" elections. It is also meant to keep experience flowing from one year to the next. Many functions and programs take more than one year to complete, and our city forefathers understood the importance of having continuity on the commission.

It is not in the best interest of any community to have the entire governing body elected or replaced at one time.

In the past several years, our city commission has represented all facets of the community. The newly elected commissioners represent one group of citizens, on one issue.

For an elected body to represent "the city," all points of view must be considered. There must be a balance of experience and viewpoints.

WHETHER WE approved or disapproved of the "housing issue," the matter has been settled at the polls. The women did respond to the petitions.

Recalling city commissioners (at any time, for any issue), because we do not agree with them on one issue, is encouraging government by intimidation.

Recall is an expression of total dissatisfaction of a person's voting record and conduct. It is a way of saying "anyone" would be better. Remem-

ber, we are not voting anyone into office, we are merely creating vacancies.

However, we would in effect be allowing "anyone" in office, because the vacancies would be filled by the remaining members of the city commission.

It is of utmost importance that we vote on May 8. If we do not approve of the recall, staying home won't work. We must go to the polls and vote no.

CHARLES and BETTY KINNISON,
Birmingham

Watt replies

Editor:

I have been asked to make public my reply to those who have asked me whether the vote on housing April 3 was a racial vote by the community. I do not believe it was.

Over 50 per cent of the registered voters did not feel an urgency to vote at all. Those who voted against sale of property for senior housing in 1976 probably voted against it again.

Add to that the growing resistance to the principle that governmental bodies and agencies should dictate to communities, past experience with rental properties and the false belief that the houses would be owned by HUD.

There were those who were totally confused and voted no for what they did not understand.

Some believe that government funds should be used in needier communities and Birmingham should pay for its own projects.

The bonding proposal covered a wide latitude for the type of building and the cost.

IT WAS realized beforehand that anyone who wanted a low-cost building only, or didn't want Baldwin House Corp. as owner, might vote down the April 3 bonding proposal and the whole project could be rebid and brought back for another vote on bonding.

It was obvious by the words of some

that we have racists here as in most, if not all, communities. However, I sincerely believe that our community, which was one of the first to pass open housing, did not overturn that vote on April 3, 1978.

PATRICIA WATT,
Birmingham City Commissioner

Not power grab

Editor:

The claims by The Eccentric regarding a "power play" by Mayor Robert Kelly are unfounded and ridiculous.

Over the last two years, then-commissioner Kelly was the lone voice in our government of what was and is the majority of public sentiment over the MSHDA housing package.

It was he and he alone who stood against the bloc of six commissioners, Pat Watt included. It was he and he alone who suffered the smirks and frowns from then-mayor Conrad whenever he spoke representing the majority.

Our city owes Mr. Kelly a tribute for helping to preserve democratic government, government by, for and of the people. Therefore, it was only logical that he become mayor of our fine city. In the ensuing years, he too will be just as accountable for his actions as any other member on the commission.

But a "power play"? Of course not, unless The Eccentric feels (along with Phil Power who owns all The Eccentric newspapers and is running on the Democratic ticket for U.S. Senate) that representative government is a "power play" by the people, of the people and for the people.

GORDON STEVENS,
Birmingham

Keep Watt

Editor:

Why the recall of Patricia Watt? 1) She has lived in Birmingham for 30 years and has served the community unselfishly. Her dedication follows

in the footsteps of her in-laws, the senior Robert and Ethel Watt, who for over 40 years lived in Birmingham and served with integrity in so many ways.

2) She has been responsive to the citizens of Birmingham, in terms of the expressed need for senior housing and in terms of putting the senior housing issue on the ballot.

3) Her support of senior housing reflects a genuine concern for the elderly which is well founded in Judeo-Christian theology. She is a strong proponent of local control, of keeping Birmingham a community you can be proud of. A thorough examination of

her record and service makes this clear.

THE CITIZENS of Birmingham will do well to think twice about why a recall should ever be exercised. They should think twice about Patricia Watt's excellent qualities and vote Monday to retain the experience of such a responsible commissioner.

I have been proud of the community in which I was raised. I am proud of my sister-in-law, Patricia Watt, and of her level-headed, fair-minded dedication to my home town.

JOCELYN WATT GLASS,
Franklin

sunday brunch

10:00 am - 2:00 pm

A bountiful selection of salads, fresh fruit and Relish Trays incl. Herring/Cucumbers in Sour Cream, Jello, Potato Salad & Cole Slaw

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The Eccentric

Birmingham-Bloomfield Edition

Serving the Community
for 100 Years

Volume 101 Number 3

Monday, May 8, 1978

Birmingham, Michigan

40 Pages

Twenty-Five Cents

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BIRMINGHAM'S door-to-door transit system, Dial-A-Ride, might have been called Dial-A-Rude by resident Karen Boehnke last Tuesday. Karen called the bus and was told she could be dropped off and picked up at Meijer's Thrifty Acres, southeast of Coolidge and Maple, just outside Birmingham's limits in Royal Oak.

Karen was dropped off all right. But when she called for a ride home, she was told the bus could not travel outside Birmingham's city limits. Walk to Maple and Coolidge, dispatchers reportedly said.

"I couldn't cross Coolidge," said Karen. "I had two babies with me and I'm legally blind. They could have cared less."

Karen said she was in tears as she spent 40 minutes trying to convince the dispatchers to pick her up since they had made the mistake of dropping her off outside the service boundaries.

When repeated pleas failed, Karen called Birmingham police. The men in blue rescued her and returned her to her Bowers Street home.

IN VIEW of what's transpired in Birmingham in recent weeks, it seems more than a little ironic that the city will be exchanging mayors with Highland Park during Michigan Week. Birmingham Mayor Robert Kelly will spend a day in Highland Park and that city's mayor, Jesse Miller, will visit Birmingham. Miller will get the key to the city and will tour local sites and public buildings in Birmingham.

BLOOMFIELD Township resident Betty Rahaley has been selected for the WJR Bowling Party. Mrs. Rahaley, who has been bowling for 12 years and carries a 125 average, will have disc jockey Jay Roberts as her partner. Of 63,000 entrants, only 18 were selected. The will bowl May 10 at Thunderbowl Lanes in Allen Park. The top two teams win prizes and money for their favorite charities.

NEVER underestimate the stamina of kids. After a 78-hour marathon broadcast, student disc jockeys of WBFH-FM, the Bloomfield Hills School District's station, participated in Superwalk '78 for the March of Dimes.

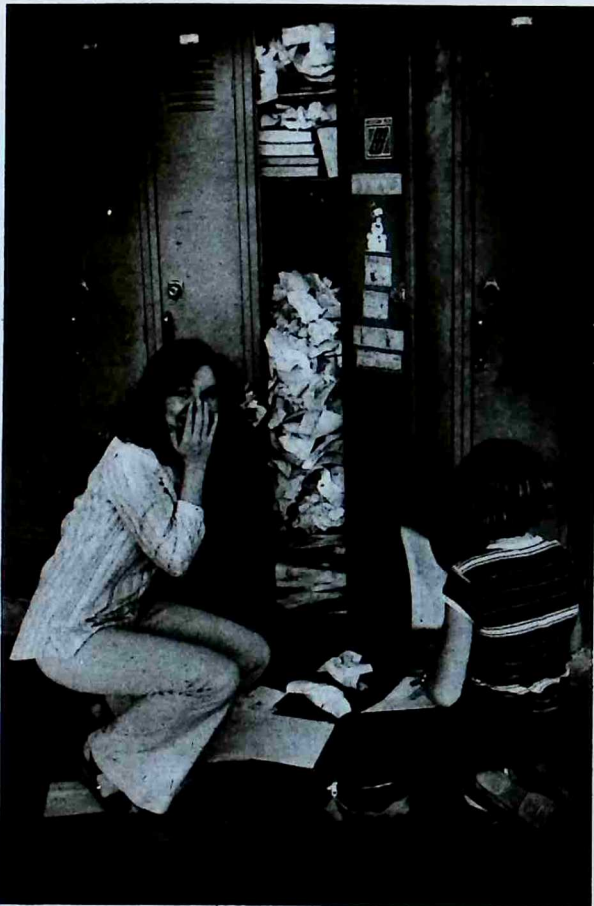
The 466 pledges received by the students during the broadcast, when applied to the 20 miles walked by each of the seven disc jockeys, raised \$3,110.

And what they did to get those pledges is a tribute to their youth and enthusiasm. Why else would someone sit on a block of ice for an hour? Or run around the school track backwards? Or tape a poster on his chest and run down the street singing the national anthem? Ah, youth.

ELECTION WORKERS in the Birmingham School District will get a pay increase effective with the June 12 school election. The \$2.65 per hour they will receive is to comply with the state's minimum wage law.

When the board of education approved the pay raises Tuesday, Sept. Roger Garvelink said, "Now we will be legal and pay the minimum wage."

"I hate to ask, but have we been illegal in the past?" Trustee Bruce



Caught in the act

Birmingham Seaholm sophomore Janet Lind wishes she could vanish. She and a friend, Drue Robertson, also a sophomore, are avenging a prank played on them by Lori Meida. Miss Meida had filled both their lockers with crumpled paper, so they decided to return the favor. Except this time, somebody was looking. (Staff photo by Dick Kelley)

Recall vote today; B'ham groups tussle

By MARY CONNELLY-SZCZESNY

The political fate of three city commissioners will be decided today in Birmingham's first recall election.

Polls will be open from 7 a.m. to 8 p.m.

Voters will decide if commissioners Dorothy Conrad, Ann Droplewski and Patricia Watt, supporters of a low income, senior housing proposal rejected at the polls last month, should be removed from office.

A "yes" vote is for removal. A "no" vote is for retaining the commissioners.

Birmingham voters last month also ousted three incumbent commissioners seeking re-election who supported a controversial state financing plan for senior housing. The plan would have required the city to provide 50 homes for low and moderate income residents.

TODAY'S TURN-OUT is not expected to be as great as the April 3 city election when 44 per cent of the voters went to the polls.

Birmingham City Clerk Phyllis Armour said Thursday that 180 absentee ballots had been taken out. "There were nearly 400 absentee ballots for the city election," Mrs. Armour said. "So if you can go by the absentee ballot, I think this will be a lighter voter turn-out."

However, because it's tied to the low income housing issue, the recall election is still expected to draw a substantial number of voters, especially when compared to some city elections decided by less than three per cent of those registered.

The recall election will cost about \$4,000, Mrs. Armour said. The figure does not include the overtime pay spent by the clerk's office to count the signatures on petitions calling for the recall vote.

VOTERS WILL find 200-word statements from both sides on the ballot.

Citizens for Responsive Government, the group which initiated the recall drive has the following statement on the ballot demanding the recall of Conrad and Droplewski:

1) "At the City of Birmingham Commission meeting held at Birmingham City Hall at 8 p.m. on Monday, Nov. 28, 1977, the above named commissioner did not comply with the petitions signed by over 4,000 city residents reading as follows:

"We the undersigned residents of the City of Birmingham, do hereby petition the commission of the City of Birmingham to withhold the signing of a contract with Baldwin House Corporation and to place the issue of low income housing on the ballot in April, 1978."

2) "Therefore, the commissioner has demonstrated that she is irresponsible to the desires of over 4,000 Birmingham citizens."

Mrs. Watt was absent from the Nov. 28, 1977 meeting, however, the ballot statement demands her recall because

she wrote a letter read at the meeting "supporting the extension of the Baldwin House contract which was contrary to the petition signed by over 4,000 city residents."

THE STATEMENT of the three recall targets justifying their conduct reads:

"I did in fact respond to the citizens' petition by refraining from signing any contract which authorized low income family housing."

"I acted in a responsible manner by placing on the ballot questions which allowed the electorate a choice."

"I acted in a responsible manner by keeping all options open for funding senior housing."

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Recommendations deal with administration, training, communication, volunteer officers and other police-related activities. The study was done by management consultants at Plante & Moran, an accounting firm.

Hills' squatter evicted, moves to backyard

By JOE MARTUCCI

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Not knowing what else to do, the attorneys went to court and obtained a writ of restitution. This amounts to an eviction.

Last weekend, court bailiffs spent two days moving Rosene's possessions from the house to the backyard. The attorneys are miffed at this. They wanted his possessions moved clear of the property, but city officials didn't want furniture piled on Woodward.

THE HOUSE is now boarded shut. The attorneys say it's uninhabitable and Rosene had to go for his own safety.

They never envisioned, however, that he would camp out in the back yard.

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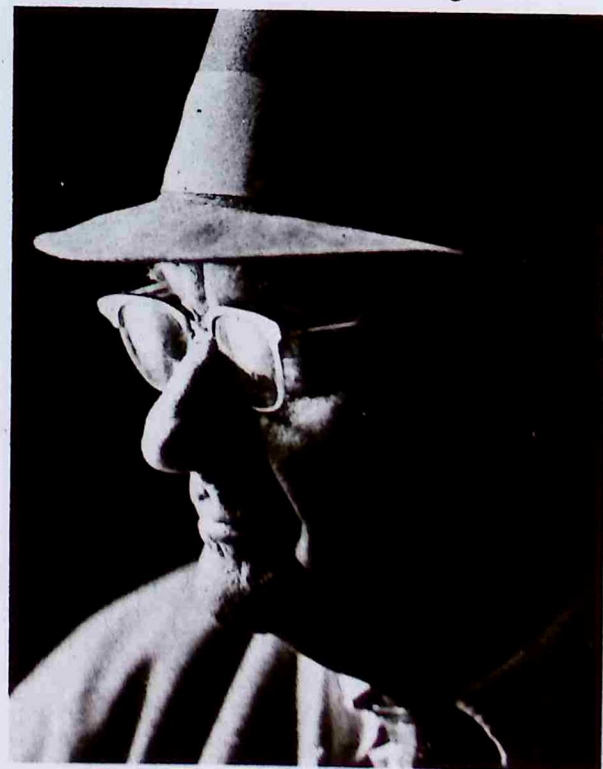
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Bloomfield Hills City Mgr. Robert Stadler also is perplexed.

"It's going to have to come to a head pretty soon. But it's not the city's responsibility. The city's hands are tied," Stadler said.

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The Eccentric

Birmingham-Bloomfield Edition

Serving the Community
for 100 Years

Volume 101 Number 3

Monday, May 8, 1978

Birmingham, Michigan

40 Pages

Twenty-Five Cents

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BIRMINGHAM'S door-to-door transit system, Dial-A-Ride, might have been called Dial-A-Rude by resident Karen Boehnke last Tuesday. Karen called the bus and was told she could be dropped off and picked up at Meijer's Thrifty Acres, southeast of Coolidge and Maple, just outside Birmingham's limits in Royal Oak.

Karen was dropped off all right. But when she called for a ride home, she was told the bus could not travel outside Birmingham's city limits. Walk to Maple and Coolidge, dispatchers reportedly said.

"I couldn't cross Coolidge," said Karen. "I had two babies with me and I'm legally blind. They could have cared less."

Karen said she was in tears as she spent 40 minutes trying to convince the dispatchers to pick her up since they had made the mistake of dropping her off outside the service boundaries.

When repeated pleas failed, Karen called Birmingham police. The men in blue rescued her and returned her to her Bowers Street home.

IN VIEW of what's transpired in Birmingham in recent weeks, it seems more than a little ironic that the city will be exchanging mayors with Highland Park during Michigan Week. Birmingham Mayor Robert Kelly will spend a day in Highland Park and that city's mayor, Jesse Miller, will visit Birmingham. Miller will get the key to the city and will tour local sites and public buildings in Birmingham.

BLOOMFIELD Township resident Betty Rahaley has been selected for the WJR Bowling Party. Mrs. Rahaley, who has been bowling for 12 years and carries a 126 average, will have disc jockey Jay Roberts as her partner. Of 63,000 entrants, only 18 were selected. The will bowl May 10 at Thunderbowl Lanes in Allen Park. The top two teams win prizes and money for their favorite charities.

NEVER underestimate the stamina of kids. After a 78-hour marathon broadcast, student disc jockeys of WBHF-FM, the Bloomfield Hills School District's station, participated in Superwalk '78 for the March of Dimes.

The 466 pledges received by the students during the broadcast, when applied to the 20 miles walked by each of the seven disc jockeys, raised \$3,110.

And what they did to get those pledges is a tribute to their youth and enthusiasm. Why else would someone sit on a block of ice for an hour? Or run around the school track backwards? Or tape a poster on his chest and run down the street singing the national anthem? Ah, youth.

ELECTION WORKERS in the Birmingham School District will get a pay increase effective with the June 12 school election. The \$2.65 per hour they will receive is to comply with the state's minimum wage law.

When the board of education approved the pay raises Tuesday, Supt. Roger Garvelink said, "Now we will be legal and pay the minimum wage."

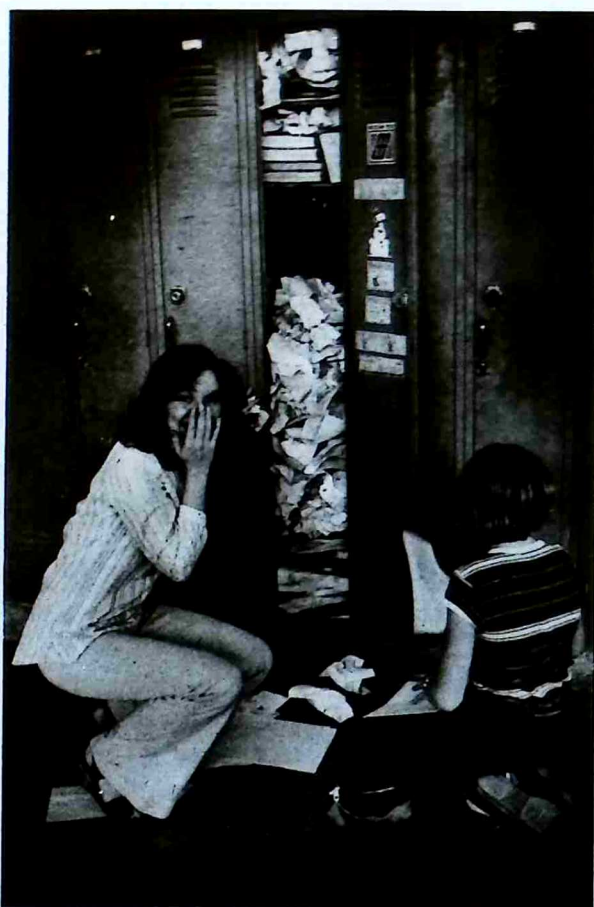
"I hate to ask, but have we been illegal in the past?" Trustee Bruce Van Deusen asked.

"Don't ask," Garvelink replied.

THE COST of dinner theater is going up. When dinner theater opens in June at Machus Red Fox in Bloomfield Township, it will be with a tab of \$25 a person for dinner and show.

However, show-goers will see the "Red Fox Revue" a production with original songs. Waiters in tuxes will serve the diners "only the best meals," according to a spokesman for Theatre of the Arts, which will present the show.

The "Red Fox Revue" is said to have "a Jacques Brel-ish touch." Performances will be Wednesdays and Sundays, hopefully to attract an audience of professionals such as doctors on their days off.



Caught in the act

Birmingham Seaholm sophomore Janet Lind wishes she could vanish. She and a friend, Drue Robertson, also a sophomore, are avenging a prank played on them by Lori Meida. Miss Meida had filled both their lockers with crumpled paper, so they decided to return the favor. Except this time, somebody was looking. (Staff photo by Dick Kelley)

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B'ham election not for sale

By JOE MARTUCCI

The candidate who spent the most money on last month's hotly contested Birmingham City Commission election got the fewest votes.

Ironically, the top-vote getter, William York, was among the candidates who spent the least amount of money—less than \$500.

Candidate Barton Johnson's campaign committee listed the most expenditures, \$1,409. This included \$1,100 of Johnson's own money. He received 1,801 votes, finishing last in a field of seven candidates vying for three seats.

Financial statements of the campaign committees were due Wednesday—30 days after the election—at the Oakland County Clerk's Office, which monitors the reports and enforces state campaign laws.

Although it is not possible to deter-

mine precisely how much was spent on the election—since committees spending less than \$500 don't have to itemize contributions or expenditures—about \$6,000 was spent by all committees.

Birmingham commissioners earn \$5 a week. The election sparked considerable interest, because of the controversy surrounding proposals for low-income senior citizen and family housing.

The three incumbents defeated in the election—Arthur Underwood Jr., Samuel Staples and Herbert Ring, supported a state-financed plan for senior housing which required the city to provide low-income housing to families, in addition to seniors.

WINNERS York and George "Bert" Jackson and defeated incumbents Staples and Underwood spent less than \$500. Jackson, who finished third with 3,019 votes, was one day late in filing

his campaign statement. There is a \$10 fine for this, according to the county clerk's office.

A \$10 fine was also levied against Johnson for being one day late in filing a pre-election statement. These are due 10 days before the election.

In addition to the seven candidate committees, two other committees were active in the election. People Who Care About Birmingham spent \$1,736. That committee is still in existence, working against the possible ouster of commissioners Dorothy Conrad, Patricia Watt and Ann Dropiewski. That recall election will be held Monday.

Another committee, Concerned Birmingham Neighbors, was dissolved April 19 after spending less than \$500, records show. This committee supported candidates Jackson, York and Kain, the three winners, and opposed

(Continued on Page 2A)

Recall vote today; B'ham groups tussle

By MARY CONNELLY-SZCZESNY

The political fate of three city commissioners will be decided today in Birmingham's first recall election.

Polls will be open from 7 a.m. to 8 p.m.

Voters will decide if commissioners Dorothy Conrad, Ann Dropiewski and Patricia Watt, supporters of a low income, senior housing proposal rejected at the polls last month, should be removed from office.

A "yes" vote is for removal. A "no" vote is for retaining the commissioners.

Birmingham voters last month also ousted three incumbent commissioners seeking re-election who supported a controversial state financing plan for senior housing. The plan would have required the city to provide 50 homes for low and moderate income residents.

TODAY'S TURN-OUT is not expected to be as great as the April 3 city election when 44 per cent of the voters went to the polls.

Birmingham City Clerk Phyllis Armour said Thursday that 180 absentee ballots had been taken out.

"There were nearly 400 absentee ballots for the city election," Mrs. Armour said. "So if you can go by the absentee ballot, I think this will be a lighter voter turn-out."

However, because it's tied to the low income housing issue, the recall election is still expected to draw a substantial number of voters, especially when compared to some city elections decided by less than three per cent of those registered.

The recall election will cost about \$4,000, Mrs. Armour said. The figure does not include the overtime pay spent by the clerk's office to count the signatures on petitions calling for the recall vote.

VOTERS WILL find 200-word statements from both sides on the ballot.

Citizens for Responsive Government, the group which initiated the recall drive has the following statement on the ballot demanding the recall of Conrad and Dropiewski:

1) "At the City of Birmingham Commission meeting held at Birmingham City Hall at 8 p.m. on Monday, Nov. 28, 1977, the above named commissioner did not comply with the petitions signed by over 4,000 city residents reading as follows:

"We the undersigned residents of the City of Birmingham, do hereby petition the commission of the City of Birmingham to withhold the signing of a contract with Baldwin House Corporation and to place the issue of low income housing on the ballot in April, 1978."

2) "Therefore, the commissioner has demonstrated that she is irresponsible to the desires of over 4,000 Birmingham citizens."

Mrs. Watt was absent from the Nov. 28, 1977 meeting, however, the ballot statement demands her recall because

she wrote a letter read at the meeting "supporting the extension of the Baldwin House contract which was contrary to the petition signed by over 4,000 city residents."

THE STATEMENT of the three recall targets justifying their conduct reads:

"I did in fact respond to the citizens' petition by refraining from signing any contract which authorized low income family housing."

"I acted in a responsible manner by placing on the ballot questions which allowed the electorate a choice."

"I acted in a responsible manner by keeping all options open for funding senior housing."

"The citizens' petition as presented to the commission denied the electorate the democratic right of choice, since it demanded cancellation of the existing Baldwin House contract without the people's vote. This was the only proposal for senior housing whereby the city and its taxpayers bore no financial cost or tax increase. I acted in a responsible manner by

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Forced to move out of the historic Benedict House, where he was caretaker for many years, Thure Rosene has taken up residence in the backyard. (Staff photo by Stephen Cantrell)

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Movie reviews 8B
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Used hope chest?

Gone are the days when hope chests overflowed with linens and silver. But today's bride has a new alternative—garage sales. Young couples can furnish the house and stock the cupboards at a modest price and selection is endless. For story and photos see page 1B.

On the community agenda

BLOOMFIELD HILLS BOARD OF EDUCATION
8 p.m. Monday, May 8
Special meeting

FRANKLIN VILLAGE COUNCIL
8 p.m. Monday, May 8

- Planning commission appointment.
- Discussion of proposed North-

western Highway-Twelve Mile interchange modifications.

- Sewer contract amendment.
- Report on Franklin Hill.
- Police negotiations.
- Legal status report.
- Charter revision.
- Task Force resolution.
- Police car bids.
- Police study.
- Resolution on multiple housing.
- Parks and recreation—discussion.

- Historical commission report.
- Planning Department report.

BLOOMFIELD HILLS CITY COMMISSION

7:30 p.m. Tuesday, May 9

- Public hearing on a proposed amendment to the zoning ordinance. The proposal seeks the rezoning of

2201 Woodward from A-6 and A-3 to A-4.
• Discussion on two special assessment districts for paving for part of Chesterfield and all of Conge.

BIRMINGHAM CITY COMMISSION
8 p.m. Monday, May 8

- Communications
- Martha Walker request waiver of

utilities impact statement for property at 540-544 Townsend.

- Common Ground—fifth annual Great Birmingham Bicycle Chase, July 9.
- Board of County Road Commissioners—regarding Big Beaver Road reconstruction.
- David K. Falvey—Birmingham Community Band request for contributions.
- Bloomfield Township—notice of hearing before Zoning Board of Appeals regarding property at 5305 Brookdale Road.

- Request by Teamsters for step 5 grievance meeting with commission.

City Clerk's Reports

- Motion for appointment—Alice L. Brown.

Legal Adviser's Reports

- Birmingham Police Officers Association vs. City of Birmingham.
- Parking of rental vehicles.

BLOOMFIELD TOWNSHIP BOARD
8 p.m. Monday, May 8

City Manager's Reports

- South Poppleton area traffic study.
- Painting historic houses.
- Consultant for master land use plan.
- Grant consultant contract.
- Manned bus waiting room.
- Telephone solicitations.
- Retrofitting refuse containers, HB 5829.
- Status of substitute House Bill No. 4593.
- Substitute House Bill No. 4593.
- Senate Bill 1286—amendment to state gasoline tax.

- Site plan review—Sambo's Restaurant, west side of Telegraph Road, across from Miracle Mile shopping center.
- Site plan review—National Bank of Detroit branch office, northwest corner of Telegraph and Long Lake roads.
- Taxi cab rate increase request.
- Discussion—North Bloomfield Hills Subdivision.
- Review bids for addition to fire station.
- Lakeshore Park sanitary sewer maintenance and operation.

Dollars don't win election jackpot

(Continued from Page 1A)

two senior housing ballot proposals. Both of these were defeated.

People Who Care About Birmingham supported defeated incumbents Ring, Staples and Underwood and proposal two, which called for construction of subsidized senior housing with state financing and the required provision of low-income nonelderly housing by the city to get the money.

A BREAKDOWN of the campaign committees, where they got their money and how they spent it follows:

• Committee To Elect Barton Johnson. The candidate, Johnson, made contributions to the committee totaling \$1,100. Other contributors included Robert Killian of Lathrup Village, \$50, Ronald Delikat of Mount Clemens, \$100, Robert Densmore of Troy, \$100, Fred Densmore of St. Clair Shores, \$25, and Karl Schettenhelm of Rochester, \$50.

Records show most of the \$1,409 was spent on newspaper advertising, printing and other incidentals. The committee paid \$102 to the county clerks

office for a registered voters' mailing list.

More than \$1,000 was spent by Johnson's committee on advertising in the Birmingham Patriot and The Eccentric.

• Committee To Elect Kain Commissioner. Kain, an attorney, contributed \$475 and chipped in another \$120 for an election party. The committee spent \$845 and reimbursed Kain for \$56 in expenses.

The second biggest contribution, next to Kain's, was from George Curtis of Detroit. He gave \$200. The Birmingham Fire Fighters' Association also gave \$50. The money was spent on printing, postage, advertising and other incidentals.

• Herb Ring Campaign Fund. Campaign reports indicate the committee believed it would spend less than \$500, but ended up spending \$574. Different forms are used for committees spending less than \$500.

Itemized contributions include \$40 from Ring, \$50 from the fire and a number of \$25 and \$35 contributions. The bulk of the contributions don't

have to be itemized because these came in before the committee went over the \$500 mark.

• People Who Care About Birmingham. Records show more than a dozen contributions of under \$100 came from Birmingham residents.

The biggest contribution was made March 29—just a few days before the election. That was \$500 from Birmingham Unitarian Church.

There was also \$100 from the Birmingham-Bloomfield Human Relations Council, \$25 from the Social Concerns Committee of the First Baptist

Church, \$30 from Baldwin House Corp. President Alice Burlingame and \$25 from Baldwin House architect Joseph Stout.

Baldwin House Corp. was the city's designated developer of the senior housing project. It proposed using state money, which required providing 50 nonelderly low-income housing units.

People Who Care About Birmingham spent more than \$1,000 on advertising and printing. The committee was left with \$334 in its kitty to use for today's recall election.

Students get essay honors

Winners of the essay contest sponsored by the Oakland County Bar Association and the association auxiliary were honored at a Law Day luncheon May 1.

Seventh grade winners included Hilary Shadrack, first prize of \$25, and Pam Patchak, second prize of \$10. Both are students at Our Lady Queen of Martyrs School in Beverly Hills.

Hilary also won fourth prize in the state essay contest for which she was honored in Lansing.

Eighth grade winners in the county contest included Margaret Ann Villarreal, second prize of \$10, and Chris Birney, third prize of an award. Both attend Our Lady Queen of Martyrs. Lisa Falconer of West Maple Junior High, received fourth prize.

The topic for the essay contest was "The Law: Your Access to Justice."

Roeper sets open house

Roeper City and Country School will hold its annual open house from 2-5 p.m. Sunday, May 21, to give members of the community an opportunity to visit the school, tour the campus and talk with teachers.

Roeper School, founded in 1914, is an independent, nonprofit school for gifted children from preschool through 12th grade. The lower school, with 300 students from preschool through the age of 12, offers special classes for all students beginning at age three.

The classes include music, library, science, art, French and physical education.

The 200 seventh through 12th grade students in the upper school are grouped according to their own skill and achievement levels.

B'ham commissioners stand test at polls

(Continued from Page 1A)

keeping this option for financing senior housing available for the electorate."

"The citizens' petition demanded a vote on low income housing only. Recent court decisions suggest that such a ballot proposal may be illegal and may involve the city in needless controversy and litigation. I acted in a responsible way by providing the community with a responsible ballot proposal for resolving the issue of senior and low-moderate income housing."

"I have acted in a responsive and responsible manner as an elected official of the City of Birmingham."

POLLING PLACES in Birmingham are:

- Precinct 1: Chesterfield fire station, 1600 W. Maple.
- Precinct 2: Holy Name School.
- Precinct 3: Adams School.
- Precinct 4: Municipal building.
- Precinct 5: Birmingham Center for Continuing Education.
- Precinct 6: Adams Fire station.
- Precinct 7: Grand Trunk station.
- Precinct 8: Seaholm High School.
- Precinct 9: Pierce School.
- Precinct 10: YMCA.
- Precinct 11: Torrey School.
- Precinct 12: Adams School.
- Precinct 13: Quanton School.
- Precinct 14: Midvale School.
- Precinct 15: YMCA.
- Precinct 16: Eton skating rink.

B'ham school story corrected

A story in Thursday's Eccentric omitted mentioning the Birmingham schools will be reimbursed for most and possibly all the cost of the lunch program to begin in the elementary schools in October. Secondary schools already have lunches provided.

"We have received assurance from the state director of school food service that we will be reimbursed up to

\$79,500 for expenditures related to the program," Food Services Manager Tim Look said Thursday.

The cost of starting the program is estimated at \$79,500. The school district could apply for more money if expenses exceed the estimate, but there is no guarantee of getting more, Look said.

The Eccentric

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Pierce wins accolade

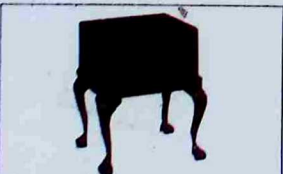
Birmingham's Pierce Elementary School has been designated a state demonstration school for its outstanding physical education program.

Lee Quinn, state director of physical education, will visit the school May 10 to present a flag and certificate acknowledging the physical education program.

Pierce Principal Richard Sumner credited physical education teacher Fred Leigh with developing the program. Leigh has been at Pierce for 20 years.

Fine Furniture Since 1917 Visit Our Pennsylvania House Gallery

Choose a Special Gift for a Special Person for Mother's Day (May 14) From Stewart Glenn



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Table Lining is Gold Velvet
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Table Lining is Gold Velvet
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Mother's Day is Sunday, May 14, so please order early. She'll love you for it!

The FTD Super Big Hug Bouquet

Those FTD Florists really get around!

The FTD Big Hug Bouquet and other attractive floral arrangements are usually available for less than the following amounts: Big Hug Bouquet \$15.00; Super Big Hug Bouquet, with extra flowers \$17.50. As an independent businessman, each FTD Florist sets his own prices. Delivery and service charges may be additional. Also available in a hand-painted, ceramic kitchen mold is the Big Hug planted with fresh flower accents. (Most FTD Florists accept major credit cards.)

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Hopefuls throng to recall vacancies

By MARY CONNELLY-SZCZESNY

At least nine people have lined up for three vacant Birmingham City Commission seats created by the city's first recall election.

Three incumbent commissioners, who had supported a controversial plan to provide subsidized elderly and low income housing in the city, were booted from office by voters Monday.

Commissioners Dorothy Conrad, Ann Droiowski and Patricia Watt left office in the middle of Monday's city commission meeting after the yells of the crowd at city hall signaled their defeat.

About 33 per cent, or 5,067 voters, went to the polls.

Possible appointments to replace the three ousted commissioners will be discussed next Monday, May 15, according to Birmingham Mayor Robert Kelly.

KELLY SAID at least nine people have asked to be considered for appointment to the commission, but he refused to divulge names. It is possible some of the appointments may be made next Monday, he said.

The four current city commissioners may fill the vacancies by appointment until August. At the August primary election, voters will elect three commissioners to serve the remainder of the terms of the recalled officials. Those recalled cannot run in the August election.

See related story, page 3A; editorial, page 14A; precinct results, 12B

"We're going to make these nominations as fast as possible," Kelly said. "This city is going to run. It's got to run. There's no person bigger than this city. If we've learned anything since November, we've learned that."

KELLY WAS the only member of the former commission who opposed the senior citizen and low income housing plans defeated by voters last month.



Recalled commissioners Ann Droiowski, Dorothy Conrad and Patricia Watt met with reporters after voters removed them from office Monday. Mrs. Conrad's husband comforts her teenage daughter in background. (Staff photos by Stephen Cantrell)

Three incumbent commissioners who had backed the plan were also defeated in the April 3 election.

Recalled commissioners said Monday they were not bitter and continue to believe that Birmingham needs subsidized housing for the elderly and the poor.

"We three ladies represent a great deal of time given to this community and love," said Mrs. Conrad. "We saw a need in this community for housing a segment of the community and we supported it. You take your chances, that's politics."

"So be it," said Mrs. Watt when the vote totals became known. "But even elected officials have the right to free speech, which we took."

"The senior citizens are the losers in this election," said Mrs. Watt.

"And the poor people who live in this community," said Mrs. Droiowski, adding, "Never have so few confused so many so thoroughly."

THE SIX commissioners removed

from office during the past five weeks supported a plan to build senior citizen housing with financing from the Michigan State Housing Development Authority (MSHDA). That financing would have required the city to provide rental housing for low and moder-

ate income families.

Mrs. Watt and Mrs. Conrad charged Monday that the housing issue was merely used as a vehicle to grab power in Birmingham.

"There was a group who definitely

(Continued on page 9A)



Patricia Sanderson, who campaigned against the recall, and Dorothy Conrad share their political defeat.

Township can't digest fast foods

By JOE MARTUCCI

When Ronald McDonald dies and goes to hamburger heaven, Telegraph Road in Bloomfield Township might be a fitting burial site.

That's because a stretch of Telegraph, in the vicinity of Square Lake Road, may soon be transformed into a strip of fast-food eateries. This may come to pass despite a desire on the part of township officials to hold the pickles and lettuce.

Township board members Monday reluctantly approved plans for a Sambo's restaurant on the west side of Telegraph, across from the Miracle Mile Shopping Center.

But that's only the first course. Officials said developers have also filed requests to build a Burger Chef and Denny's on the opposite side of Telegraph, in the same area.

The menu also includes another application for a Burger King at Square Lake Road and Franklin. And a representative of Wendy's has also inquired about a possible site in the same area.

Add to these the existing McDonald's and Landmark restaurants near Miracle Mile a Big Boy further south on Telegraph, and a Burger King at Maple and Telegraph, and you have the makings of hamburger heaven.

The thought of all this, however, is giving township officials indigestion.

"I once had visions of Telegraph Road with a 60-foot median and nice plantings (landscaping)," complained

Twp. Supervisor Homer Case. "Now I have visions of seven fast food restaurants."

CASE ISN'T alone in his lack of enthusiasm.

"I'd like to deny it, but I don't know how," said Treasurer Fred Korzon Monday, during the board's discussion of the Sambo's plans.

"I hope it's clean inside and stays that way," Twp. Clerk Deloris Little warned a representative of the restaurant chain. "Most of the restaurants in

the township are so dirty you hate to go in them. The Oakland County Health Department does a lousy job (of inspecting them)."

While officials are openly skeptical about the ability of so many restaurants to survive so close together, the requests cannot legally be denied if the property is properly zoned.

Most of the land abutting Telegraph has been zoned for general business for many years. While this designation permits many uses other than restau-

rants, officials said fast food entrepreneurs are apparently willing to out-bid other developers for the property.

The township board can only make certain that the various proposals conform with ordinance regulations on parking, landscaping, setbacks, fencing and other design details.

"I don't know where they're going to find that many people to eat there," said Case, who joined with other board members in questioning whether a

(Continued on page 9A)

Hills' parents blast school closing study

By BARBARA ARNOLDUSSEN

The possibility of closing Vaughan School in September 1979 has drawn fire from Bloomfield Hills parents.

More than 250 parents attended a Bloomfield Hills Board of Education meeting Monday in which the possible closing of Vaughan, due to projected elementary student enrollment decline, was discussed.

More than 30 parents, the majority with children attending the school, spoke during the meeting.

The parents questioned the findings of a 15-citizen committee, chaired by William Dillon, which evaluated pos-

sible candidates for closing.

The committee, acting in an advisory capacity to Supt. Fred Thorin, concluded that Vaughan School is the leading candidate for being the first school closed.

Hickory Grove, Way and Traub schools were also identified as strong initial candidates for closing in the report.

THE ADVISORY report also concluded that possible elementary school closings might not be limited to one school.

The report suggested closing up to

(Continued on Page 2A)

Spring-A-Round to flower

About 10,000 people and 150 entertainers are expected to converge on Birmingham's downtown starting at 7 p.m. Friday for Spring-A-Round.

Spring-A-Round will be staged by Common Ground in cooperation with the Birmingham-Bloomfield Chamber of Commerce.

The event is scheduled on East Maple from Park to Woodward, on West Maple from Woodward to Chester and on Hamilton from Woodward to Ferndale. Police urge visitors to use the Ring Road around Birmingham from 7 p.m. to midnight, Friday and the parking structures.

The festival's purpose is to introduce shoppers to the Birmingham business district.

Sixty merchants in Birmingham have donated to Common Ground so entertainment and publicity can be provided. They have all planned events to contribute to the festival.

THE ACTIVITIES, many starting at 5 p.m. Friday, run from European fashions, professionally modeled at Davidsons, to tumbling by Brother Rice students at the Varsity Shop, to authors at the Birmingham Book Store, to a stained glass demonstration at Hack Shoes and a cooking demonstration at the Sportsman—all on Pierce Street.

There will be a \$2,000 contest for potential models at Kay Baum, magicians, puppeteers, mimes, clowns, ballerinas, a hurdy-gurdy, a juggler, poets reading their work at the Little Professor and famous artists at What's UpStairs and Hamell Music.

Entertainment, coordinated by Andrzej Rozecki, professional musician and staff member at Common Ground, is scheduled at the CentralPark properties, southeast of Woodward and Maple 6:30-9:30 p.m. Friday.

Included will be a T-shirt fashion show, the Slavic Folk Ensemble, the

(Continued on Page 2A)



Art and Cora Kreger of Franklin still live in the farmhouse where they began their married life in 1918. (Staff photo Dick Kelley)

Kregers achieve milestone

When it comes to having roots in the community, Art and Cora Kreger of Franklin may hold a record.

The Kregers, possibly Franklin's best-known couple and the longest continual residents, last week celebrated their 60th wedding anniversary.

What makes the milestone even more noteworthy is that the Kregers still live in the same, immaculate Greek Revival farmhouse on Scenic Highway where they began married life in 1918.

The couple's roots in Franklin go back much farther than that, however. Mrs. Kreger, for example, was born

and raised in the old Shirley Farms house on Wing Lake Road. Her forefathers were big landholders, owning much of the land now within village borders.

Mrs. Kreger's grandmother, Mrs. John German, was the second owner of the Daniel Broughton House, where village offices and the police department are now situated. Mrs. Kreger's mother was married in the parlor of the house.

The Kreger's house is believed to be 130 years old. It was given to them then newly married couple in 1918 by Mrs. Kreger's father, C.W. Johnston. Both of

the couple's children were born in the house.

Despite its age, the house is a showplace—a tribute to the care bestowed on it by the Kregers.

"CONSTRUCTION was my business," said Kreger, who still holds a builder's license. "We've been very careful when we've remodeled the house or added on to maintain the same style (of architecture)," he said.

"I've built quite a few homes and I like rejuvenating places. I'd rather

(Continued on Page 3A)

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The moment of realization for Dorothy Conrad. Seated at the commission table she hears yells from downstairs as recall votes are tallied. (Staff photos by Stephen Cantrell)

Drama Emotions flow as votes are tallied

There's more to a recall election than the final tally of votes cast by dissatisfied voters. There's a human side, too, which serves as an emotional backdrop to the charges and counter-charges.

On Monday night, emotions peaked as the recall votes were counted, signalling the ouster of Birmingham commissioners Dorothy Conrad, Patricia Watt and Ann Drobotowski.

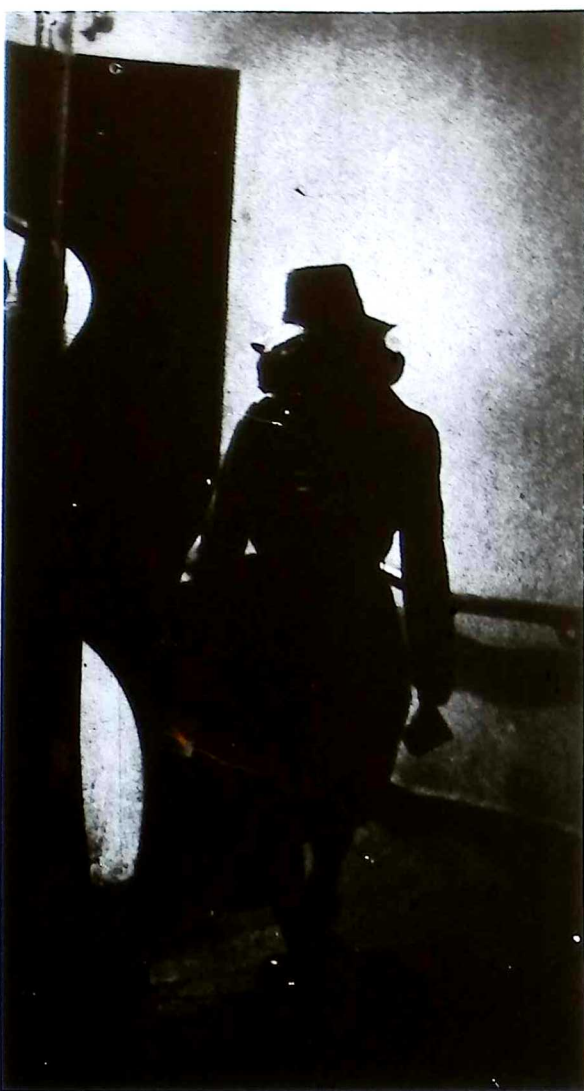
The ousted commissioners were comforted in defeat by family, friends and supporters. Tears were shed as the women were embraced by those offering support.

At the other end of the emotional spectrum, it was a time of celebration for recall supporters. They glanced with satisfaction at vote-tally sheets, knowing that their job had been completed.

Triggering both the joy and despair was a chorus of yells as city election workers added the votes. When it was over, only the numbers mattered.

The political future of the removed commissioners remains uncertain. It is not known whether any of them will run again for city office.

But it's doubtful that they will disappear. Their strongly held beliefs and outspoken candor will probably surface again someday.



Head bowed, Mrs. Conrad walks alone down the darkened stairway at city hall — heading for home.



Recall supporters Charlene Cusick and Charles Marsh are pleased with the results of Monday's voting.



Mrs. Conrad, her fate sealed by the recall vote, is comforted by Pat Sanderson.

Vacancies must be filled

Round 3 looms in battle

By MARY CONNELLY-SZCZESNY

The fight may not be over yet. Birmingham has gone through two bitter political struggles in five weeks. But another battle appears to be looming.

Voters are expected to go to the polls Aug. 8 to elect three city commissioners to fill the vacancies created by Monday's special recall election.

Already it appears likely that some of the same political turmoil which characterized the April 3 city election and Monday's recall election will resurface.

At least one former city commissioner, who was removed from office April 3, has said he will seek re-election Aug. 8.

Herbert Ring, one of six commissioners who supported a controversial low-income elderly and family housing plan, said Tuesday he intends to run again.

It is likely that he will face political opponents opposed to the housing plan, which voters pummeled at the polls April 3.

IN APRIL, Ring and former commissioners Samuel Staples and Arthur Underwood Jr. lost their seats to three candidates who opposed the subsidized housing proposals.

Underwood is also reportedly considering seeking re-election in August.

It is also likely the three people appointed to fill the commission vacancies will want to seek longer terms at the polls.

Nancy Elby, who initiated and led

'At least one former city commissioner, who was removed from office April 3, has said he will seek re-election August 8.'

the drive to defeat the controversial housing plan and its supporters, was asked Monday if she is considering running.

"I have no thoughts on that at this time," she said.

THOSE ELECTED in August will finish serving the unexpired terms of the recalled commissioners.

Consequently, the terms of two commissioners elected in August will expire in April 1979. The term of the third commissioner will expire in April 1980.

The county election scheduling committee should approve the Aug. 8 date Friday, said Oakland County Elections Director Howard Altman. It is the same date as the state's primary election.

LAWS GOVERNING filling the vacancies from the recall election differ from the city's usual election procedures.

More signatures will be needed to be a commission candidate on the August ballot.

During regular city elections, any resident who files a nominating petition with the city clerk's office by deadline bearing the signatures of at least 25 registered voters is a candidate.

However, Altman said the nominating petitions for the special August election must carry the signatures of at least three per cent of Birmingham's 14,937 voters. A candidate will need 447 signatures to appear on the ballot.

Altman said Tuesday that the election schedule he is recommending to Birmingham calls for all nominating petitions to be filed no later than 5 p.m. Friday, June 2.

THE THREE commissioners recalled Monday will not be able to run in August. Altman explained that election law forbids recalled officials from "replacing themselves" by election or appointment.

The three commissioners removed in April can seek election in August, he added, because they would be seeking a new term, not a term from which they were recalled.

Kregers symbolize Franklin

(Continued from Page 1A)

make a home for somebody than just a house."

If there's such a thing as a patriarch in Franklin, Kreger fits the bill. He built many of the homes still standing in the village and has been active in community organizations.

He was among the founders of the volunteer Franklin Community Association, which was formed before the village incorporated to give residents some say in governmental decisions affecting them.

The still-vigorous Kreger was honored recently by community association officers, who made him an honorary lifetime member of the civic organization.

Kreger's been active in the Franklin

Cemetery Association, and he's still president of the group's board of directors. Founded in 1825, the cemetery association gave rise to many other volunteer activities in the village and also served as the basis for early social life in the village.

The community association, volunteer fire department and volunteer police department were all offshoots of the cemetery association.

Kreger also served for several years as village building inspector and, during the 1930s, was a member of the local school board.

In those days, schools were under county control. Kreger helped set up the system that allowed Franklin children to continue past eighth grade by paying tuition and attending high

school in Birmingham.

Kreger's also been involved in youth work, serving as president of the Birmingham Hi-Twelve.

BORN in Royal Oak, Kreger moved at an early age to his parents' 90-acre farm near Maple and Adams in Troy—where Pembroke school is now.

His grandfather, William Mills, farmed land that boasted a tollgate at the corner of Fourteen Mile and Woodward. Every traveller using the road had to pay two cents.

Although now both in their 80s, the Kregers have given no thought to moving to a warmer climate. Their weekly list of activities includes bowling with a local church group.

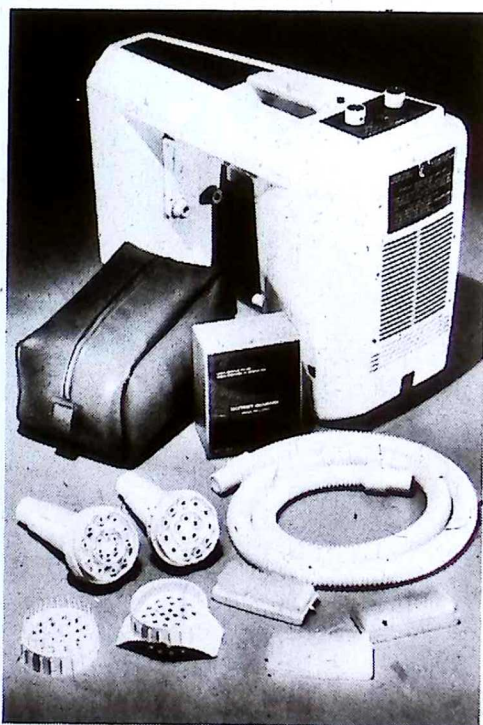
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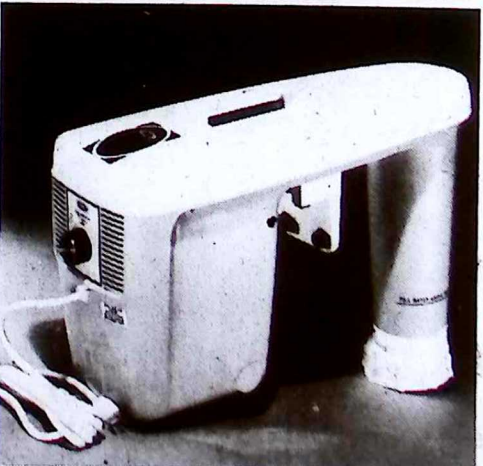
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Tug-of-war starts over vacancies

(Continued from Page 1A)

wanted power in Birmingham," Mrs. Watt charged. "The issues they brought up merely helped their goal."

But those favoring the recall said the ouster at the polls was a sign that the commissioners had not been responsive to residents and had tried to force the housing plan on the city.

"The system worked," Mayor Kelly commented.

NANCY ELBY, who initiated and spearheaded the recall drive and the campaign to oust the three incumbents in April, said, "I think it's a great tribute to the people in this community

that they restored democracy to Birmingham."

Mrs. Elby maintained throughout the campaign that the commission had ignored the wishes of thousands of residents and had not put the senior housing proposal on the ballot until forced into it.

The recall drive was initiated in December.

Petitions calling for the recall election charged the three ousted commissioners with ignoring a statement of over 4,000 residents calling for a vote on low income housing and an end to the city's contract with Baldwin House Corp. to develop senior housing.

MRS. CONRAD was removed from

office with the greatest number of votes.

"We figured I was the leading candidate for the recall," she said. "I was the mayor during the controversy and I was a target."

Unofficial vote totals indicate that 3,257 people voted to remove Mrs. Conrad, while 1,749 voted against the recall. Mrs. Drowiewski was recalled by a 3,049-1,866 vote. Mrs. Watt received 2,889 votes seeking her removal from office and 2,006 votes against the recall.

THE TURNOUT was lighter than during the April 3 election when 44 per cent of the voters went to the polls.

Mrs. Conrad's recall was favored in every city precinct.

In only two precincts did those opposed to the recall of Mrs. Drowiewski and Mrs. Watt outpoll those favoring ouster.

Voters in precinct two, north of Maple, west of Woodward, favored retaining both candidates. Mrs. Watt also won support from precinct three, north of Maple, east of Woodward, which is her home neighborhood.

Mrs. Conrad had been elected to the commission in 1973. Mrs. Watt had been a commissioner since 1974 and Mrs. Drowiewski since 1976.

Burger row stacks up

(Continued from Page 1A)

market survey had been done for Sampo's to establish sufficient business in the area.

TOWNSHIP RESIDENT Leo Edford, 3675 Franklin Road, also complained about all the proposed restaurants.

"It disturbs me to hear that five, six or seven of these might be concentrated in one area," Edford said. "There must be an awful influx of people to support this many fast-food restaurants. What I want to know, is

where are they going to come from and where are they going to go?"

Citing potential debris and traffic problems, Edford said, "I can see a threat to the health and safety of township residents. I can see problems coming."

"They would have been better off building a seven-story building and giving one floor to each (restaurant)."

Case said he envisioned a return of the problems of several years ago associated with the "Woodward Avenue strip." Young people used to drive from one restaurant to another, causing problems for police, Case said.

Northern lists graduating class

Northern Michigan University awarded 638 degrees during its spring commencement held recently.

Those graduating from the Birmingham-Bloomfield area and the type of degrees they received are listed below:

From Birmingham: Kathy Butler, mentally handicapped; Neil Rankin, fine arts.

From Bloomfield Hills: Susan Hennessey, liberal arts; David Lattimore, business administration; Constance MacMillan, liberal arts; Lynn Patterson, social work; David Schrot, liberal arts.

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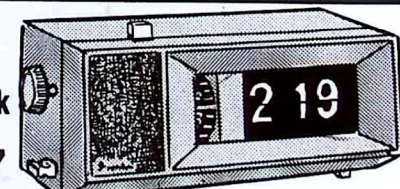
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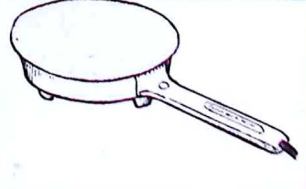
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12B(B)

Thursday, May 11, 1978

Art association faculty to demonstrate skills

The Birmingham Bloomfield Art Association believes in selling its product with a flair. In this case, the product is art—all kinds, from painting and drawing to weaving, glass blowing and calligraphy.

To emphasize the depth and breadth of its classes, the art association will

hold an open house this Saturday.

Called "Art in Action," the all-day event is designed to let those attending the free demonstrations sample the various skills.

There is no admission charge and the action is planned to attract families as well as individuals. Snacks and

homemade baked goods will be on sale.

Some of the artists who will be on hand to explain what they do and help newcomers become acquainted with art are: David Armstrong, figure drawing, 10 a.m. to noon; Barbara Dalton, demonstration of hand built pottery; Marilyn Derwenskus, water-

colors with a sample class of students; Sergio DiGiusti, building a terra cotta clay figurative sculpture, 2-4 p.m.; Verda Elliot, pattern weaving, double weaving and ikat, 10 a.m. to 2 p.m.; Kevin Gleason, glass blowing, all day; and Johanna Haas, oil painting, 10 a.m. to 1 p.m.

Other artists who will be demon-

strating are: Karyl Hill, stained glass; Margaret Kelleher, silk screening; Joe Maniscalco, portrait painting; Leslie Masters, painting on Plexiglas; Pat Mayhew, acrylic painting, 10 a.m. to 1 p.m.; Gerald Melton, 10 a.m.-11 a.m.; Irma Shoemaker, calligraphy and Marilyn Stump, creative growth

through art, demonstration with first and second grade children, 1:30-3 p.m.

The open house will run from 10 a.m. to 4 p.m. The art association is at 1516 S. Cranbrook at Fourteen Mile. It is supported by public memberships as well as a grant from the Michigan Council for the Arts.

Precinct results relate Birmingham recall story

PRECINCT	ABSENT VOTER BALLOTS ISSUED	PRECINCT VOTE	PRECINCT + ABSENTEE VOTE	PER CENT OF REGISTERED VOTERS	TOTAL REGISTRATION	Shall the city commissioners be recalled?					
						Conrad		Dropiewski		Watt	
						Yes	No	Yes	No	Yes	No
1	21	346	367	39.8	923	238	107	209	129	186	148
2	24	390	414	33.3	1245	196	192	174	196	172	199
3	29	480	509	40.9	1246	260	218	236	234	203	263
4	20	216	236	33.6	703	111	90	131	75	141	74
5	16	230	246	31.2	788	147	82	133	94	125	101
6	4	283	287	28.1	1020	199	84	195	87	185	97
7	6	354	360	35.3	1020	183	166	181	164	178	169
8	15	335	350	37.6	931	230	102	203	120	187	130
9	21	379	400	38.2	1048	278	97	260	107	240	119
10	4	179	183	22.2	825	146	29	138	35	136	35
11	3	221	224	29.4	763	187	33	181	35	176	41
12	8	200	208	21.5	968	120	79	115	81	107	90
13	9	300	309	34.4	898	205	91	193	91	184	98
14	13	363	376	43.0	875	250	110	222	127	204	142
15	16	320	336	37.1	905	184	136	166	152	162	156
16	8	254	262	33.6	779	207	45	200	47	196	49
17		100				57	42	56	43	54	44
18		106				54	46	56	49	53	51
	217	5,056	5,067	34.3	14,937	3,257	1,749	3,049	1,866	2,889	2,006

SETTING UP your GARAGE SALE

Let's see the first thing I have to get is... oh, yes! A garage!!!

All sale items should be priced. Obtain a supply of small change and small bills so you can make change. Set up a headquarters table, and be sure you have ample display tables.

Garage Sales are a fun, friendly and profitable experience. To insure the success of your garage sale, list it in the Classified section so thousands of folks all over the area will know about your sale.

Your ad should list location, directions, dates of sale and a list of a few key items. A Classified Ad-Visor will be happy to help you write your ad, just call

ADVERTISING your GARAGE SALE

Don't be grumpy, George. You said you'd help me with my sale.

Tell your friends and neighbors, put a sign in your supermarket, barber shop, and laundry. Your sale is in the Classified advertising section of this newspaper. Thousands of folks all over the area avidly watch for new garage sales.

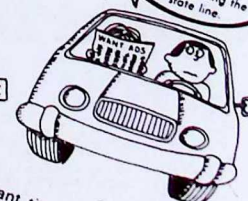
Having a DOUBLE GARAGE SALE

We'll color code our prices, Ethel. You can be blue.

A garage sale tip many people have found worthwhile is combining their garage sale with that of a friend or neighbor. It saves on advertising costs, provides companionship and a helping hand. Be sure to keep separate inventory sheets. It's a good idea to use color-coded pricing for easy identification.

SHOW 'EM THE WAY to your GARAGE SALE

STATE LINE



An important tip for a successful Garage Sale is the placement of large, clearly printed Garage Sale signs at key locations, main road entrances, intersections and turns. Large Garage Sale arrows help direct traffic your way.

WHAT TO SELL

Don't forget to place your ad for your garage sale in your hometown newspaper.

PRICING your GARAGE SALE

GARAGE SALE HAGGARD

Etc.Etc.
c.Etc.Etc.
Etc.Etc.Etc.E

THIS TIME it's the Birmingham Fire Department that's burning. Firefighters says someone is calling Birmingham merchants asking them to buy advertising space in a firefighter's magazine.

Merchant Jack Sights said the caller told him he represented the South Oakland Fire Fighters Association and was calling from the Adams street fire house in Birmingham. Not so, says the department.

"We have nothing to do with it," said Chief C.G. Nunneley. He warns merchants to be wary of making contributions to the phone solicitor.

MOTORISTS TRAVELING down Southfield Road in Beverly Hills have been causing congestion.

It seems they do a double take and take a U-turn to feast their eyes on what may be the ultimate gourmet thrift shop in this area.

Pepperidge Farm Thrift Shop is offering quality baked goods at reduced rates because the labels aren't perfect or the weight of the loaf does not come up to the firm's rigid standards.

The delectable shop is directly across the road from the Beverly Hills Fire Department.

ADDITIONAL COPIES of The Eccentric's Centennial section published two weeks ago can still be purchased at our office. We are at 1225 Bowers St. in Birmingham.

Our readers let us know about several goofs in the edition.

One of the major mistakes was an error in an advertisement placed by Gabe Zawiedeh, the new owner of the Kingsley Inn, 1475 N. Woodward Ave. Zawiedeh ran a half-page ad in the section. It looked sharp and congratulated the newspaper on its birthday and reported the Inn had been "serving the community for over 50 years."

Only one thing was left out of the ad: the name, Kingsley Inn. Sorry about that.

IT WAS a loaded question that backfired. Beverly Hills resident John Smith asked Robert Stansberry, a Beverly Hills councilman and Southfield Township trustee, what he thought of earning \$45 for attending township meetings and only \$10 for village sessions. Smith was apparently hoping Stansberry would say township trustees are overpaid. But Stansberry didn't take the bait. "I'm enjoying the \$45," he replied.

FRANKLIN may not have the biggest police force around, but it does have some of the biggest officers. A couple of them are so big, in fact, that the village is reconsidering bids submitted for new police cars because the officers can't fit in compact models.

FORMER BIRMINGHAM ART DEALER, Bob Garelick, was in town last week to open his show of American Indian art at the Ed Gray Gallery and to celebrate a new venture. Garelick recently picked up a sizeable retainer from a major New York publishing firm for his first book. The thinly glossed fiction is the story of an art dealer in Detroit. Garelick, as few may remember, started his professional life as a writer for the New York Times.

If and when it becomes a movie, could it preview here?

MARK GRIDLEY is in the forefront of the jazz resurgence with his new textbook "History and Styles of Jazz," which has just been adopted by seven colleges for their courses on jazz.

Among schools using this textbook is the prestigious Eastman School of Music in Rochester, N.Y. Gridley wrote the book (Prentice-Hall, \$12.95) for a course on jazz he has taught for seven years at Case Western Reserve in Cleveland.

Gridley grew up in Royal Oak and went to Kimball High School there. His parents are Mr. and Mrs. F. W. Gridley of Bloomfield Township.

Lost youth struggles to safety

By MARY CONNELLY-SZCZESNY

A three-day ordeal for a Bloomfield Township teenager, his worried parents, and the many volunteers who searched for him in the rugged Canadian wilderness came to a storybook close as young Tim Sheridan scrambled to safety Saturday.

"What a neat mother's day," Mrs. Paul Sheridan told reporters after learning her son was safe.

Sheridan, a junior at Bloomfield Hills Lahser High School, disappeared Wednesday while on a school-sponsored wilderness camping trip. He was lost in the cliff-ridden, rough terrain of Killarney Provincial Park, near the north shore of Georgian Bay.

It was his first camping trip.

Tim's parents, Mr. and Mrs. Paul Sheridan of Bloomfield Township learned about 6:30 p.m. Thursday that their son had disappeared while back packing with 28 students, 10 chaperones and trip leader and Lahser teacher Fred Youngman.

Tim's father flew to the several-thousand acre park about 4 p.m. Friday to join the air and ground search for his son.

BUT SATURDAY morning about 11:30 a.m. the family's ordeal ended with a phone call from Tim.

The teenager had made his way to the shore of McGregor Bay, about five to 10 miles from the area where he disappeared, and flagged down a fisherman, Ontario Provincial police said.

"He's fine," Tim's mother said Saturday. "He called me about 11:30 this morning from a marina. He was very upset. He said he was fine but that he was scared and tired."

"He didn't know we knew he was lost," she added.

Mrs. Sheridan said Tim did not tell her the details of his ordeal over the phone.

She said she immediately contacted Ontario police to notify her husband that Tim was safe.

"My husband was out in the woods looking for him this morning," she said. "He's with Tim now. They made contact."

"I DID A lot of praying and so did a lot of my friends. We had a lot of prayers going up there."



TIM SHERIDAN

Tim was equipped with a backpack which included a portable stove, matches, utensils, pup tent and sufficient food to last through Friday when he disappeared about noon Wednesday, said Bloomfield Hills School Supt. Dr. Fred Thorin.

Before flying to the wilderness park to search for his son Friday, Paul Sheridan said he and his wife had not worried about their son joining Lahser's "Man in Nature" class and going on the trip.

"WE HAD no worry," Sheridan said. "It was so well chaperoned. And about two weeks ago, the advisors and instructors invited parents to a session in which they covered plans for the camping trip."

"They went over what was needed in the way of supplies and clothing and went over the whole thing. We were well informed," he said.

Students are given "extensive survival training" before tackling the trip Thorin said. Training includes canoeing, back packing and first aid.

The 28 students in the class had been meeting since January and preparing for the trip—basically a canoe trip with portage between waters.

"This was his first major trip," Tim's father said. "He really hadn't done that much camping."

"He wasn't an extensive camper, but he likes outdoor stuff. He was looking forward to it and was enthusiastic about it."

"They can feel they trained Tim well because he made his way out," Mrs. Sheridan said Saturday.



Lahser High School campers who accompanied Tim Sheridan celebrate after just learning that he was found safe in Canada. The campers returned to Lahser High School at about noon on Saturday. Jeff

Karr hugs Sue Ann Koppmeyer and Kathy Schmidt. Also in photograph are (from left to right), Merrilee Foster, Jackie Hunt and John Ford. (Photographs by Linda Solomon).

"I can't say enough for Lahser High School."

THE STUDENTS were portaging between Baiefine and Three Narrows Lake when Tim disappeared, according to Thorin.

"Tim laid down his jacket and left the trail," Thorin said Friday when school authorities began disclosing details about the missing youth.

"When he did not reappear in a matter of minutes, less than 15, the group began searching but found no trace," Thorin said.

Tim's group was led by Wilfred Jensen of Troy, a social studies teacher at Lahser, who remained with the search party.

On Friday, Dennis Hurley, originator of the Bloomfield Hills Schools "Man in Nature Course, and Al Sundine also involved in developing the class, boarded a school-chartered plane with Tim's father to join the search.

OTHER MEMBERS of the camping trip returned home early Saturday afternoon.

They learned of Tim's return to

(Continued on Page 5A)



Lahser Principal Jack Howell embraces camper Jeff Karr after all the campers except for Tim Sheridan returned to Lahser on Saturday afternoon. Sheridan came home on Saturday evening.

B'ham may post no vacancy sign after vote today

By MARY CONNELLY-SZCZESNY

Birmingham's city government may be up to strength by Monday night.

The three vacancies on the Birmingham city commission, created by last week's recall election, are expected to be filled Monday. The city commission will meet at 8 p.m. at city hall.

"Nominations will be made and voted on Monday night," said Mayor Robert Kelly. "We are moving with utmost speed and due caution to make these appointments."

The existing four-member commission will nominate and appoint three people to serve until August. At that time, a special election will be held so voters can fill the vacancies created when three commissioners were recalled May 8.

Commissioners Dorothy Conrad, Ann Drowiewski and Patricia Watt were voted out of office after supporting a controversial plan to provide subsidized low-income elderly and family housing in Birmingham.

"THE COMMISSION wants to move fast with this," Kelly said of filling the vacancies.

"I think the employees deserve to know that the public has provided them with a full seven-member commission."

Because vacation time is approaching, any absence on the current four-member commission would result in lack of a quorum, Kelly said. No com-

mission business could be conducted. "The city management needs this," Kelly said of a full commission. "They are delivering services and they need to be able to get hold of people."

THE COMMISSION appointments will be made by Kelly and the three commission members elected April 3.

Kelly is the only commission member not removed from office by voters in the last six weeks.

During the April 3 election, three commissioners who had supported the controversial housing proposals were defeated. Kelly opposed the housing plans.

Newly elected commission members George Jackson, Gary Kain and William York have been involved in replacing commission members, Kelly said.

"I'M PLEASED with the common sense and good judgment of the three commissioners we have," the mayor said.

Asked about the criteria which will be used to seat commissioners, Kelly said, "They will be highly dedicated, responsive citizens, and we've got a lot of them."

"Many people have been recommended, and many have offered to serve," he said.

Asked if the commission is considering any women to replace the three recalled last week, Kelly said, "I only

(Continued on Page 5A)



Last year's Village Fair in downtown Birmingham drew hundreds of people to Shain Park to enjoy carnival rides, eat cotton candy and take a spin on the roller coaster. (Staff photo by Dick Kelley)

This fair is some affair

It's Village Fair time again. The annual event, sponsored by the Birmingham-Bloomfield Chamber of Commerce, will be held Thursday-Sunday in Shain Park.

Cotton candy, carnival rides, games, food booths and prizes attract thousands of people the fair each year.

This year's fair, the 15th annual, will feature "almost a completely new look," promised chamber of commerce executive director James Zeder.

"There will be all new rides, including a double ferris wheel that should be a challenge to anybody of any age," noted Zeder. "We're very excited. It should really be fun."

Happyland Shows, which has been working the Village Fair for the past 14 years, will be joined this year by

W.G. Wade Shows to provide new rides.

The carnival rides will begin twirling and spinning at noon Thursday. About two dozen local service groups and other organizations will hawk popcorn, cotton candy, corn on the cob, hotdogs, pizza, ice cream and other goodies.

Three tents will be set up on Martin Street to provide shelter.

Hours are noon to 10 p.m., Thursday; 10 a.m. to 11 p.m. Friday; noon to 11 p.m. Saturday and 1-9 p.m. Sunday.

"We're opening two hours later on Saturday (than in past years) to give everyone a chance to see the big (Michigan Week) parade at 11 a.m. After the end of the parade we hope they'll all come over to the Village Fair," said Zeder.

MERRY Matinee Days will be Thursday and Friday, from opening to 6 p.m. During this time special, low-price tickets will be sold for children. The tickets can be used only during those hours.

Food concessions will be operated by the Community House and the Pilot Club.

Community organizations which will participate in the fair include: Birmingham Jaycees, Exchange Club, Business and Professional Women's Club, Rotary, Optimists, Lion's, Kiwanis, scout troops, sororities and fraternities, church groups and the Derby School PTA.

A youth group from St. James Episcopal Church will handle park clean-up on a twice-daily basis.

inside

A la Mode 3B
Fashion Calendar 3B
Entertainment 4-10B
Movie reviews 4B
At Your Leisure 5B

NOTHING TO DO?

Well, hardly. One of the busiest weeks of spring activities is coming up, in every category of leisure-time fun. Live theater is plentiful, and so is dinner theater. There are lots of concerts and lectures, shows at shopping malls, and special tours and events in town including the start of Michigan Week. Make your choices, with the At Your Leisure calendar, page 5B

On the community agenda

BEVERLY HILLS VILLAGE COUNCIL
7:45 p.m. Monday May 15

* Approve minutes of April 24 spe-

rezoning, site plan review and land split requests.

* Designation of Donald W. Smith as local agent for disaster relief funds.

* Discussion—charitable solicitation.

* Zoning—change definition for fill-lot.

* Appeal fees—board of zoning appeals.

resolution regarding class "C" liquor licenses.

* Birmingham Council of Parent-Teacher Associations—Support of 1972 resolution regarding class "C" liquor

* Non-resident golf memberships.

* Master land use plan.

* Appropriation request, ab 287 Oakland.

Planning Board Reports

* Definition for filling station.

* Appeal fees—Board of zoning appeals.



Down, but not out

Thure Rosene may have been kicked out of the historic Benedict House in Bloomfield Hills, but he is still on the property. The 69-year-old recluse, who was permitted to live in the old house without paying rent, was evicted recently by the new owners. Rosene, however, took his belongings to the backyard

and set up a new home. Owner Barry Keller was denied a wrecking permit for the house by Bloomfield Hills city administration last week because he did not put up a bond. Meanwhile, Rosene snoozes while a controversy swirls around him. (Staff photo by Stephen Cantrell)

Commission ranks to swell

(Continued from page 1A)

deal with Americans."

He declined to comment on the number of people being considered for the three jobs or candidates' names.

IF COMMISSIONERS make appointments Monday, the new members will be sworn in immediately, Kelly said.

The three new people will serve until the Aug. 8 primary election. At that time, voters will select three people to finish serving the unexpired terms of the recalled commissioners.

The Oakland County election sched-

uling committee voted Friday to set the special election for Aug. 8.

Candidates for the August election must file nominating petitions by 5 p.m. Friday, June 2, according to Oakland County Elections Director Howard Altman.

The nominating petitions must carry the signatures of 447 registered Birmingham voters.

Two commissioners elected in August will serve until April 1979. The term of the third commissioner will expire in April 1980.

B'ham fire alarms

At 4:41 p.m. Friday, Engine 56 and Ladder 12 of the Birmingham Fire Department responded to a false drowning report at Quanton Lake.

At 6:37 a.m. Saturday, Engines 56 and 54 and Ladder 34 responded to an investigation at the home of Dorris Morris, 1156 Emmors. There was a short in the furnace meter.

At 7:16 a.m. Saturday, Engines 56 and 34 and Ladder 34 responded to an alarm malfunction at Machus Sly Fox, 725 S. Hunter.

At 9:22 p.m. Saturday, Engine 54 answered an inhalator call at the home of Harvey Berger, 610 Tottenham. He was having breathing problems.

At 11:56 a.m. Sunday, Engine 56 and Ladder 12 responded to an investigation at the home of Dorothy Miller, 679 Lakeview. The dryer was smoking.

At 8:02 p.m. Sunday, Engine 56 answered a medical call at the home

of Aaron Greenstone, 1235 Chesterfield. A child had cut his arm on some glass.

At 8:59 a.m. Monday, Engines 54, 56 and Ladder 34 responded to an investigation at Adams School, 1051 Oakland. There was a short in the alarm system.

At 12:44 p.m. Monday, Engine 54 responded to a medical emergency near Woodward and Lincoln. Two persons had been injured in a car accident.

At 7:01 p.m. Monday, Engines 54, 56 and Ladder 34 responded to a fire at Stanley Door Co., 2400 E. Lincoln. There was a fire in the paint booth, but the sprinkler system had extinguished it.

At 5:41 p.m. Tuesday, Engine 56 responded to a medical call at the Mike Charbonneau residence, 1952 Oak. A child had been struck by a car and was taken to William Beaumont Hospital for treatment.

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Teen survives wilderness

(Continued from page 1A)

safety shortly before arriving at Lahser High School.

"They were a happy group when they arrived," said Dr. Jack Howell, Lahser principal.

"We're elated."
"Some of the campers came over this afternoon and told me how they searched for Tim," Mrs. Sheridan said Saturday. "They felt they were betraying him by leaving the park, but the police said they wanted to conduct the search because they had more experience."

THE AREA in which Tim disappeared is the highest terrain in the park, according to Thorin. He described it as "a very rocky, dense wilderness with sheer cliffs."

Inspector Earl Cook of the Ontario Provincial Police said vehicles can only reach within eight to nine miles of the spot where the youth disappeared. Boats can travel to within one mile of the area.

He estimated that the elevation of the terrain was about 800 feet.

Ontario police said Saturday that Tim reached the shore of McGregor Bay, flagged down a fisherman and phoned his mother and officials from a marina. A helicopter was dispatched to pick up the youth and he was taken to the ranger station Killarney to meet his father.

THE AREA where the school trip was camping "is a popular spot with high school groups," Cook said.

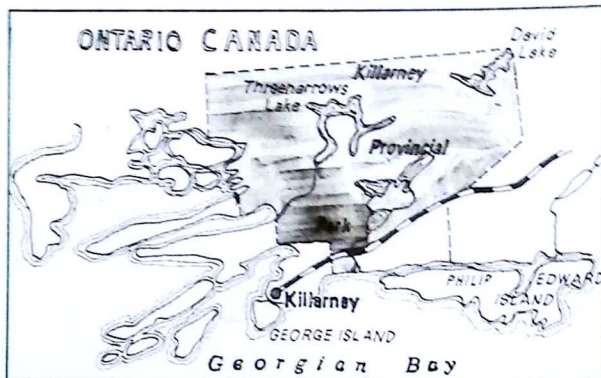
"There is a well-cut trail," he said. "But once you get off the trail, you've got miles of pretty rough terrain."
"He walked through the bush all night by himself," police said Saturday.

Lahser principal Howell said the "Man in Nature" course has been offered for about eight or nine years.

The trip to Killarney Provincial Park had been made "several times before," he said.

Other wilderness areas have also been trekked without incident, he said. Bloomfield Hills school board member Eugene Owens said Saturday he wants the course to continue.

Students are well-trained, he said, and several parents have told him they



Tim Sheridan of Bloomfield Township was reported missing in the area near Three Narrows Lake.

hope the class would not be dropped because of the incident.

A GROUND AND air search for the youth was conducted Thursday but rescue efforts were hampered Friday by foggy, rainy weather.

Volunteers and crews from the Ministry of Natural Resources joined the effort.

Ontario Provincial Police were

notified late Wednesday about the missing youth and began searching Thursday morning, Cook said.

"You can't do anything in there when it gets dark," he explained. "Terrain is such, you can't put people in at night."

Park rangers notified of the youth's disappearance Wednesday afternoon immediately joined the search, school officials said.

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**You're invited to attend
a special "Report
to the People of Michigan!"**

**Tuesday, May 16
Oakland University
Varner Hall, Rochester
3 to 5 p.m.**

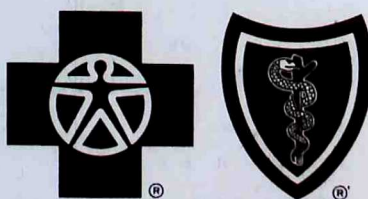
All members of Blue Cross and Blue Shield of Michigan are invited to hear this presentation on our 1977 operating and financial results. Employers and others charged with the responsibility of making decisions affecting the purchase of health-care coverage will find this meeting especially interesting and meaningful.

In addition to the presenta-

tion, there will be a discussion of issues of importance to all members, and a question-and-answer session to discuss other matters you feel are significant.

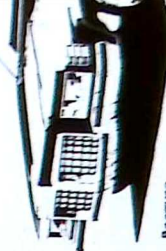
This meeting is one more way in which Blue Cross and Blue Shield of Michigan is seeking to communicate regularly with all its members. We sincerely hope you will plan to attend.

It's good to belong.



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The Eccentric

Birmingham-Bloomfield Edition

Volume 101 Number 6

Thursday, May 18, 1978

Birmingham, Michigan

84 Pages

Twenty-Five Cents

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Irene Hanley returned to the Birmingham City Commission table this week. For 42 years, Miss Hanley attended meetings as the city's official record keeper. (Photos by Cynthia Abatt)

Appointees shun August election

By MARY CONNELLY-SZCZESNY

Birmingham's city commission has 62 more years of experience this week. Three new city commissioners, all experienced in city government, were sworn in Monday.

Irene Hanley, Charles Clippert and Charles Renfrew were appointed to fill the vacancies created by the city's May 8 recall election.

Miss Hanley served as city clerk in Birmingham from 1931-1973. Clippert and Renfrew are former commissioners and mayors.

The new commissioners view their jobs as temporary and say they do not intend to run for full commission terms in August.

VOTERS WILL elect three people Aug. 8 to finish serving the unexpired terms of the three commissioners recalled May 8 because of their support of a controversial subsidized housing proposal for elderly and low-income families.

"I definitely do not intend to run," said Miss Hanley after her appointment. "I'm enjoying my retirement. I was asked to bring the commission up to full strength and I'm just helping the city out. I view this as a caretaker appointment."

The appointments were apparently well-received by the standing-room-only crowd at the city commission meeting Monday.

The unanimous appointment of the three municipal veterans ended speculation that those who had campaigned

for the recall would be seated on the commission.

BIRMINGHAM MAYOR Robert Kelly said that Aspen Street resident Nancy Elby, who led the recall drive and the campaign to defeat the subsidized housing proposals, withdrew as a possible appointee the day after the recall election.

Ray Green, who worked closely with Ms. Elby on the campaign, also notified the mayor he did not want to be considered for an appointment, Kelly said.

Both said that "if they ever sat at this (commission) table, they would want to be elected," Kelly said.

The commission appointments were made at a public meeting. There was no debate about the appointments, and no other names of possible candidates were mentioned.

Kelly said by the day after the recall election, commissioners "seemed to agree individually on what we wanted."

"At no time in the past week have we met together," he added, referring to the state laws prohibiting secret meetings without notice.

KELLY SAID in filling the vacancies the commission looked for candidates "highly dedicated, with a record of concern and involvement, who are known, and—because of their record—listened to by the community."

The three new commissioners are recognized names in city government.

Charles Renfrew served 14 years on (Continued on Page 2A)



Charles Renfrew spent 14 years on the commission and served three terms as mayor. He has no plans to run for election in August.

Michigan Week: Strike up the band

Saturday, May 20—Community Pride Day

11 a.m. The biggest parade ever to march in Birmingham will assemble at Booth Park, progress down Woodward to Merrill, up Pierce and west on Maple to Chester. Prepared by the Jaycees, the parade will feature officials of the combined municipalities of Birmingham, Bloomfield Hills and Bloomfield Township riding in limousines and antique cars. Firetrucks, clowns, floats, a Marine Corps unit with heavy equipment, Boy and Girl Scouts, six bands and Scottish pipes will be featured.

Noon Community Pride Day fair in Shain Park, with units from the parade in concert, and a Marine Corps exhibit of weapons to honor Armed Forces Day.

10 a.m. Mini-Marathon, 10,000 meters at Lahser High School. Register at Bloomfield Hills schools' recreation-community education office. Registration fee of \$5 payable in advance.

Sunday, May 21—Heritage Day

Religious services at all churches to stress our spiritual heritage.

1 1/2-3 p.m. Free bus tours of historic sites in Birmingham, Bloomfield Township and Bloomfield Hills. Two tours, one each of Birmingham, directed by Merritt Olson, two each of combined Bloomfield Township and Bloomfield Hills directed by Twp. Clerk Deloris Little. Tours depart at 1 p.m. and 3 p.m. from the parking lot on Hamilton behind Crowley's. Call for reservations for free tours: 644-6161.

1-5 p.m. Open house at the Hunter House and Birmingham Historical Museum at the Allen House.

14:30 p.m. Open house at the Wing Lake School Historical

Centre. Also a stop on the Bloomfield historical tour.

1:30-3 p.m. Family ecology walk at the E.L. Johnson Nature Center, Franklin Road north of Long Lake Road. Sponsored by Bloomfield Hills School District.

Monday, May 22—Government Day

10 a.m. Welcome of Exchange Mayor Jesse Miller of Highland Park to Birmingham by Mayor Pro Tem Bert Jackson. Presentation of key to the city, tour of shopping areas and public buildings.

Welcome to Exchange Mayor Pro Tem James Schardien of Chelsea to Bloomfield Hills by City Mgr. Robert Stadler. Tour of Cranbrook.

Noon Civic leaders luncheon. Birmingham: Community House. Bloomfield Hills: Fox and Hounds.

1:30 p.m. Balloon launch on the Franklin Village Green by students at Franklin Elementary School.

4 p.m. Tea and social hour at Cranbrook House for combined officials of Birmingham, Bloomfield Hills, Bloomfield Township.

4:30 p.m. Children's Learn to Swim program begins through Bloomfield Hills recreation-community education at Andover and Lahser high schools.

6 p.m. Dinner at Kingsley Inn honoring exchange mayor. Bloomfield Hills Mayor Pro Tem Joseph Daiek officiating with city commission members, also honoring Bloomfield Township Supervisor Homer Case and other elected township officials.

6 p.m. Dinner honoring Highland Park Exchange Mayor.

(Continued on page 5A)

Village Fair rides into downtown B'ham

The Village Fair will ride again. Birmingham's downtown Shain Park will be filled with carnival rides, games, food booths and cotton candy this weekend during the 15th annual Village Fair.

The annual event is sponsored by the Birmingham-Bloomfield Chamber of Commerce.

The fair will be held from noon to 10 p.m. Thursday; 10 a.m. to 11 p.m. Friday; noon to 11 p.m. Saturday, and 1-9 p.m. Sunday.

Merry Matinee Days will be held Thursday and Friday, from opening to 6 p.m. During this time, special, low-priced tickets will be sold for children. The tickets can be used only during those hours.

MANY COMMUNITY organizations join in Village Fair activities.

About two dozen local service groups and other clubs will sell popcorn, cotton candy, corn on the cob, hotdogs, pizza, ice cream and other treats.

New carnival rides are planned this year, according to the chamber of commerce. Included in the spinning, twirling, rides will be a double ferris wheel.

Food concessions will be operated by the Community House and the Pilot Club.

Participating organizations include the Birmingham Jaycees, Exchange Club, Business and Professional Women's Club, Rotary, Optimist, Lion's, Kiwanis, scout troops, sororities and fraternities, church groups and the Derby School PTA.

A youth group from St. James Episcopal Church will handle park clean up on a twice-daily basis.

Parents fight closings

Bloomfield Hills residents have formed a committee to study the possible closing of elementary schools.

The newly-formed Bloomfield Hills Committee for Quality Education is a group of 50 parents that seeks to combine fiscal responsibility with responsibility to students," Don Carlson, vice president, explained.

He spoke during the public forum portion of Tuesday's Bloomfield Hills school board meeting. He presented

"We are in strong opposition to the May 8 report of the citizen's advisory committee," Carlson said.

That committee studied the declining elementary school enrollment and population patterns in the district and concluded that up to four of the district's 10 elementary schools might need to be closed. Vaughan School was named as the most likely initial candidate for closing in the fall of 1979.



BILL GEE

As part of the ordeal, he had to spend 30 days in isolation, said his sister, Lillian Bernot.

"On Monday, for the first time, he took a walk with my mother to a grocery store," Mrs. Bernot said this week. "He was ecstatic."

The Detroit Country Day School senior may be back home within 50 days, his sister said.

BILL'S PARENTS, his sister, brother and girlfriend flew to Seattle with him in late March for the bone marrow transplant.

MRS. BERNOT said Bill's mother hoped to rent a car this week and so (Continued on Page 2A)

There are times you think people don't care," she said. "But they really do. They've been tremendous."

"Mentally, he's in good shape. The faith, determination and will he had in isolation, just emanated out of the room."

"He's a tough kid."

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DIAL DIRECT
644-1070

2A(B)

Thursday, May 18, 1978



Charles Renfrew spent 14 years on the commission and served three terms as mayor. He has no plans to run for election in August.

3 commissioners add decades of know-how

(Continued from Page 1A)

the commission from 1961-65. During that time, he served three terms as mayor.

Retired as the vice-president of Jam Handy Inc., an advertising and audiovisual presentation firm, Renfrew brings additional financial expertise to the commission.

Renfrew said he will "absolutely not" seek election in August.

"THIS WAS an opportunity to help in the transition," Renfrew said, "to help make the city government more orderly during the period of recall and the August election."

Charles Clippert, 46, was a commissioner from 1964-1970 and mayor in 1969. He left city government when Birmingham was starting to consider senior citizen housing.

Clippert was described at that time as a "moderate conservative."

He voted in 1967 in favor of the Birmingham's open housing ordinance.

But in 1970 he opposed establishing a study committee on the feasibility of senior citizen housing in Birmingham. Clippert was also on the commission when the city charter was amended to include provisions on the handling of recall elections.

He is an attorney with the law firm of Dickinson, Wright, McKean, Cudlip & Moon, Bloomfield Hills.

MISS HANLEY said she does not expect the new commissioners to

tackle the thorny question of senior citizen housing.

The issue over whether such housing should be subsidized by the federal government sparked the recall of three commissioners May 8 and also prompted voters to remove three other commissioners during the April 3 city election.

Voters on April 3 rejected proposals to build senior housing with state or city money.

"Certainly, if something presents itself, I would do whatever we can to study it. But you can't do much in 10 weeks," Miss Hanley said.

"I think we just have to take things as they come. We are going into vacation times and a quorum is needed to pay the bills every Monday Night. This way, we have a full-strength commission."

Miss Hanley began working as clerk in 1931 when Birmingham was still a village. She served as the city's official record keeper until her retirement in 1973.

She has been to hundreds of city commission meetings, "probably more than anyone else in town," she said.

CANDIDATES FOR the Aug. 8 election must file nominating petitions carrying the signatures of 447 registered voters by 5 p.m. June 2.

Two commissioners will be elected to serve until April 1979. The term of the third commissioner will expire in 1980.

Events benefit Bill Gee

(Continued from Page 1A)

sightseeing in Seattle with her son. Bill's father, Robert, returned home last week.

Bill can go out but must wear a mask in crowds to protect against possible germs and illness, his sister said.

"He rides a bike one mile a day to keep his lungs clean," she said.

When Bill was sidelined with leukemia in 1976, he was a three-sport letterman at Detroit Country Day. He was well on his way to becoming the school's first athlete to win 12 letters and had earned varsity letters in golf, hockey and football.

"He's eating everything in sight, which is good," Mrs. Bernot said. "In some people, radiation kills their appetite."

AT LEAST two benefits have been planned in Birmingham to raise money for the Gee family.

A spaghetti dinner benefit will be held from 6-10 p.m. May 24 at the Back Alley Restaurant of the Birmingham Bowling Alley, 1000 Webster.

Benefit organizer Jack Sights said the \$5 dinner tab and proceeds from the cash bar will be contributed to the family.

City employees have also scheduled a benefit performance of the "Banjo's of Michigan" at 8 p.m. June 17 at the Birmingham Ice Arena. Mrs. Gee is a city employee.

Several other community groups and organizations have also contributed to the family.

Mrs. Bernot said notes and cards to Bill may be sent to 1305 E. Madison, Apt. 3, Seattle, Wash., 98122.

The Eccentric

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Whaling's, for men who care
the Safari Coat
by Zero King



Parents attack school closing plan

(Continued from Page 1A)

be made until there is a more complete report," Carlson continued. "A master plan for the whole district is needed, not piecemeal solutions to problems."

MARY LOU BENETHUM spoke on the same issue.

"Without a unified approach, decisions will only cause disruptions counter-productive to quality education," she said.

Paul Stein objected to the approach

of the citizen's committee.

"The closing of schools is a foregone conclusion," he said. "But this is not necessarily the only approach. Other alternatives could include reducing the number of students or a traveling staff instead of students," Stein said.

In response to these comments, Thorin complimented the citizen's committee for its exploration and expertise.

"I will report my reactions and those of our staff at the June 20 board

meeting," he said. "I will then present four alternatives to closing elementary schools complete with the costs of keeping them open."

He emphasized that implementation of any decision was 15 months away and the board would continue studying possible solutions over the summer.

Trustee James Graham added that the citizen's report on school closings was "simply the first step in community input."

Resident Frank Mei asked the board to consider a "district wide per-

spective." Mei, a Vaughan School parent, had asked the decision on redistricting be postponed until June 20 "so that decisions about redistricting and school closing could be made at one time."

Board President Lawrence Flora responded that he would "not vote to close schools unless there was a very compelling reason. I have two alternative proposals to closing any schools," Flora said, adding that he would consult Supt. Thorin about the costs.

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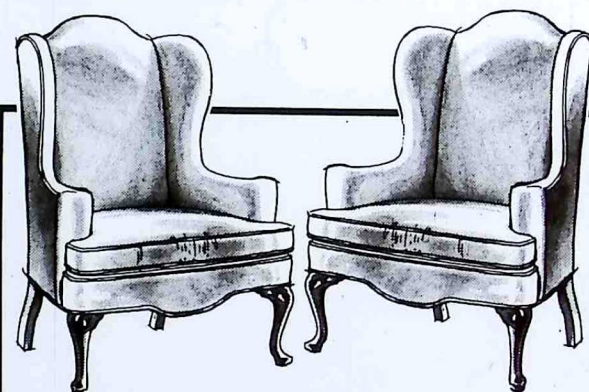
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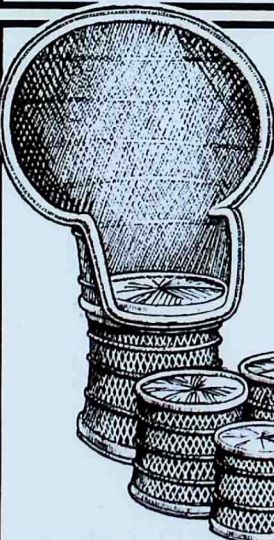
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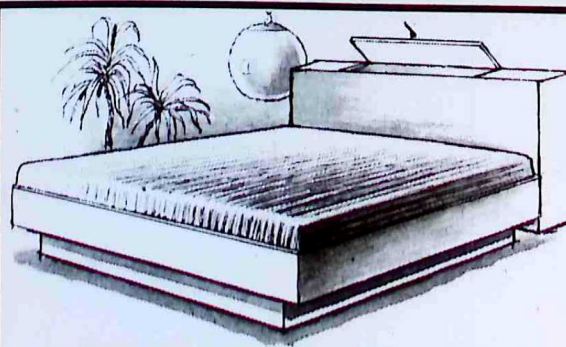


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editorial opinion

Charitable fund drives merit support

Fund drives are not new to people in Birmingham-Bloomfield.

Charitable organizations are always eager to tap the wallets of affluent suburbanities.

Because of the numerous charitable requests made during the year, we are reluctant to urge reader support for most drives.

Two are going on now, however, that are exceptions.

The Birmingham Lions Club is trying to raise \$30,000 to purchase the city's first Emergency Medical Service (EMS) vehicle. The city has agreed to start EMS and hopes to have it in operation in 16 months.

In EMS, paramedics attempt to stabilize emergency patients until they can be transported to a hospital.

According to a resident committee which studied EMS, the city could save 10 to 17 lives every year through this service.

So far, response to the Lions Club drive has been dismal. Except for the club's \$10,000, few contributions have been made.

Residents, community organizations and businesses interested in participating in the drive should contact the Lions Club through the Community House.

SPEAKING OF THE Community House, its annual drive is nearing completion. It needs the final push to get over the top.

Nearly \$81,000 of the drive's \$95,000 goal has been pledged. Contributions are still needed from businesses and individuals.

The Community House provides multi-faceted services to this community.

Many organizations hold meetings at the Community House including service clubs, Senior Men, Senior Women and Newcomers.

It also sponsors numerous lectures, films, tours and youth activities.

Statistics kept by the Community House indicate that last year 195,648 persons used its buildings, 81,093 attended meetings and 64,344 ate meals or snacks there.

The Community House receives neither tax support nor assistance from the United Foundation and special endowments.

All financial support must come from the community. Mail contributions to: The Community House, 380 S. Bates, Birmingham 48009.

Welcome back, commissioners

Experience may not be everything, but it is important.

Birmingham's new city commission acted correctly Monday night when it appointed three veterans to fill the vacancies created in the May 8 recall.

In the past seven weeks, six out of the seven members of the city commission have been voted out of office. As a result, policy decisions in Birmingham were being made by people with little background in municipal government.

Irene Hanley, Charles Clippert and Charles Renfrew will be a breath of fresh air for Birmingham. Clippert and Renfrew are past mayors, and Miss Hanley was city clerk for 42 years.

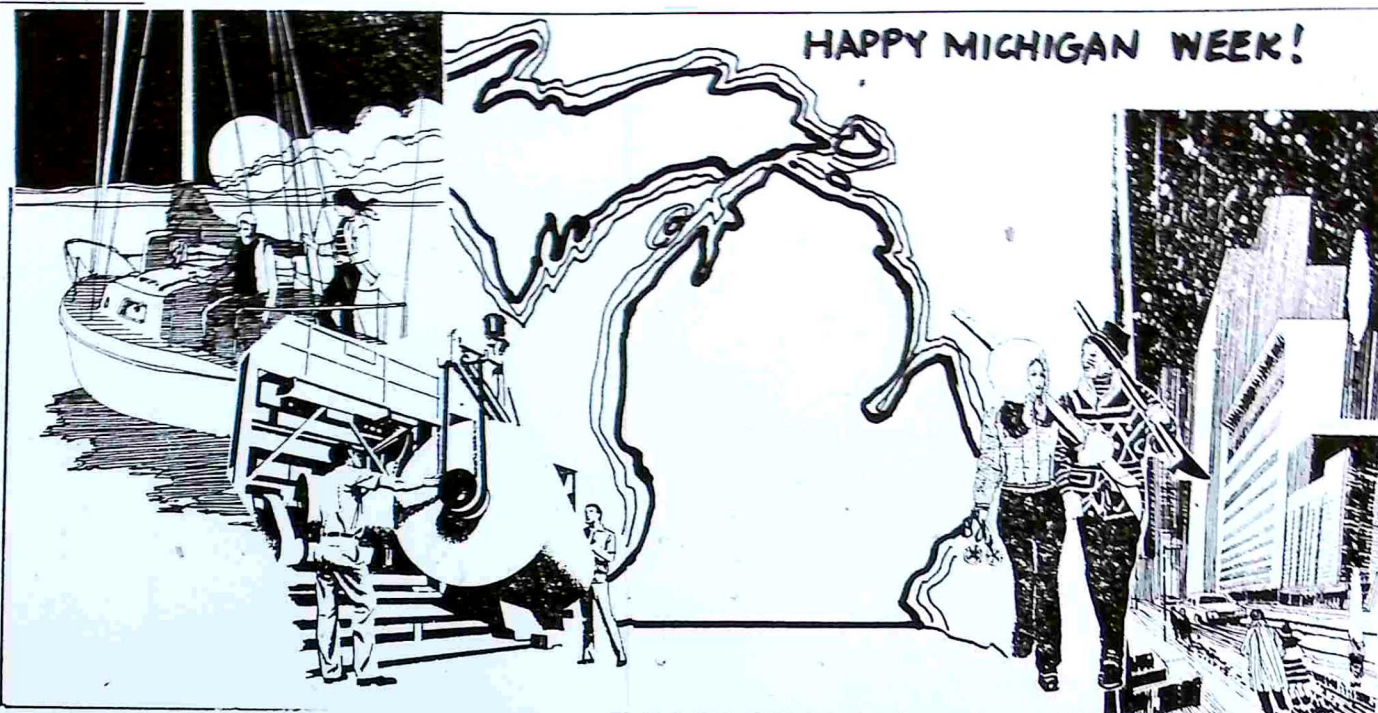
These three commissioners will stand up for their viewpoints and represent the city well. Unfortunately, they are all "caretakers" and none will run for office after their appointed terms expire in August.

That is why it is important for Birmingham residents interested in running in the Aug. 8 election to get started now. During that election, three persons will be selected to serve the unexpired terms of the three commissioners recalled last week.

Candidates for the Aug. 8 election must file nominating petitions with the signatures of 447 registered voters by 5 p.m. June 2.

We hope many candidates run in that election who will represent the diverse interests of people living in Birmingham.

For now, we are encouraged by the appointments made by the Birmingham City Commission on Monday night. We know Commissioners Hanley, Clippert and Renfrew will make significant contributions in their brief returns to public office.



A long quiz has one scenic answer

What state has the tallest hotel in the country?
What state has the headquarters of all the major automobile companies in the United States and produces more motor vehicles than any other state by far?

What state ranks first in prepared cereals, office furniture, machine tools, non-ferrous castings (such as magnesium, zinc and lead), hardware for motor vehicles, furniture, building and conveyors, plus 14 other manufacturing and processing categories?

In what state do three of America's top five industrial corporations and 21 of its top 500 businesses have their headquarters?

What state is the leading exporter among the 50 states?

WHAT STATE leads the nation in the number of state parks and prepared campsites?

What state in 1929 established the first state police radio system in the world?

What state has more than 11,000 inland lakes and more than 36,000 miles of streams?

What state ranks No. 1 in the nation in the production of these six crops—red tart cherries, sweet cherries, dry edible beans, cucumbers for pickling, fine eastern white soft winter wheat and rhubarb?

What state has the largest limestone quarry?

What state is the nation's top salt producer?

What state has the world's largest cement plant?

What state has a greater variety of minerals—metallic and non-metallic—than any comparable area in the world?

What state was the first to establish roadside picnic tables?

What state has a larger variety of commercial tree species than any other state?

What state is the largest grower of Christmas trees in the nation?

WHAT STATE was the first to provide in its constitution for the establishment of public libraries?

What state started the first land-grant college?
What state has the first state university established by vote of the people through their constitution?

What state was the first to guarantee every child the right to tax-paid high school education?

What state has more "freshwater coastline" than any other state?

In what state are there locks through which more tonnage passes in an eight-month navigation season than through the Panama Canal in an entire normal year?

What state has the largest commercial deposit of native copper in the world?

THE ANSWER to each of these questions and many similar ones is: Our own Michigan.

Next week is Michigan Week.

"Si quaeris peninsulam amoenam, circumspecte." If you seek a pleasant peninsula, look about you.

Readers' forum

Tuition bill

Editor:

It may be of interest to parents of college students and parents who expect their children to one day enter college, that there is a proposed bill which may help with the financial burden of college. The plan wouldn't require the parents paying anything after the freshman year.

Under the terms of the proposed legislation, a self-sustaining trust fund would advance students the full cost of tuition and \$1,000 in education-related expenses, with a maximum of \$5,000.

The student would pay back the amount advanced, once they are working, at a rate of two per cent of annual earnings until the loan was paid. The Internal Revenue Service would handle the collection of the loan.

The proposed bill, H.R. 12668, was introduced in the House of Representatives April 20. A similar bill will need to be put before the United States Senate before the plan has a chance to be voted on.

Since the financial burden is shifted to the ultimate beneficiary of college, the student, this plan seems quite feasible. Therefore, it might be beneficial to write your representatives to tell them of your support of proposed bill, H.R. 12668 for the "Tuition Advance Fund."

ANNETTE EBERHARDT
Union Lake

I'm ashamed

Editor:

The recall of commissioners Dorothy Conrad, Ann Droplewski and Patricia Watt represents a shocking abuse of political power. These dedicated women were guilty of no crime nor official misconduct.

Their only offense was to act legally and judiciously on a proposal which they believed to be in the best interests of our city and its citizens.

For the first time in 23 years, I'm ashamed to admit that I live in Birmingham.

MRS. ROBERT K. NIXON
Birmingham

Real losers

Editor:

The real losers in the city of Birmingham are not the six removed commissioners who gave so many years of excellent service to an apparently ungrateful and shallow-minded citizenry. The real losers are those frightened, misled voters who said no to a much needed, well planned, high quality senior citizens project, because they were told it would ruin their neighborhood.

The other losers are the self-proclaimed "representatives of the people" led by a woman who wasn't even a registered voter until November, 1977, and a sporadically published newspaper that gave us all some real lessons in "yellow journalism."

This group seized an opportunity on one issue and used

it to practically destroy a city government that had well served the people of Birmingham over the years. The frightening thing is that they did it with distorted facts, scare tactics and vengeance, while preaching the principles of democracy.

THE THIRD GROUP of losers and by far, the biggest, are the two-thirds of registered voters who stayed back and let it all happen without voicing an opinion. These people must surely begin to wonder about the whole mess and about their new inexperienced city commission that has already shown signs of hate and incompetence.

Don't rest too easy you "silent majority," your neighborhood may again be safe, but your city government is in chaos.

MR. AND MRS. THOMAS SMYTH
Beverly Hills

Dial-A-Ride response

Editor:

I am writing in regard to your article about Dial-A-Ride and the blind woman. I am a Dial-A-Ride driver and I feel this article was unfair.

First, I think I should mention that Dial-A-Ride is a non-profit organization. They are there to help people who cannot get around.

We have definite restrictions that are set by the city. Meijers Thrifty Acres is as you mentioned, out of our area.

The driver was not informed and dropped her off in the parking lot. We are only allowed to go to the light on Coolidge Road, right in front of the shopping center.

When she called and asked the dispatcher, Mike Brody, to pick her up, he refused, only because he is not supposed to let us go in the parking lot. We are not insured out of our designated area.

Mike Brody contacted the owners' wife. She told us to pick the blind woman up. At this point the Birmingham police called Brody and asked him what was going on, that a hysterical woman had called.

Brody explained the mistake and said that a bus was on its way. They informed Brody they had already sent a squad car, so he cancelled the bus.

Dial-A-Ride does service blind people. They are not not charged a fee and will be helped in any way possible. Karen Boehnke should have informed Brody that she was blind when she requested the bus to pick her up from her home.

She should not have given false information to The Eccentric, saying Brody told her to walk to Maple and Coolidge Roads. Brody was also upset about all the choice words Karen chose to call him over the phone.

AS A Dial-A-Ride driver, I find the job can be interesting by meeting very nice people. Unfortunately, some people mistake us for a taxi cab service.

They expect you to follow their timetables, not considering that we are doing the best we can with what we have.

By being ignorant of how we run our service and expecting more, we are given a bad name. If too many people continue to do this, a lot of grateful people will not be able to use our service. With too many invalid complaints and bad publicity, the city may cancel our service.

I only hope in the future they realize how fortunate they are to have it.

KIM WAPLES
Birmingham

Not a fairy tale

Editor:

Once upon a time a school superintendent who presided over a well-to-do, well-established and sophisticated suburban school district had a problem.

Because of his reputation as a wizard of school finance, the citizens of his district were accustomed to having an administration and a school board which would point with pride to every decision ever rendered as a financially accountable, cost effective solution.

But now there arose a problem of a different nature. It seems that over the years the school district had become divided into two unequal parts, separated by a concrete barrier across which it was decreed that no one should pass, save certain children who were sometimes restricted to one elementary school.

As fast as the eastern part declined in school age population, the western part grew. The problem of school age population projection was seen by the administration and board in divided form as a completely economic one. It was seen by many residents of the district as a total one, involving both geography and quality education.

To solve this problem, the administration decided to redistrict the west side and close a school (or two or three) on the east side, appointing a blue ribbon panel of citizen experts to present a statistics filled report which would justify the need for closing schools. For three years prior to this time, the east side had been inundated by rumors that two of its best schools would be targeted for closing. It came as a surprise to hardly anyone, therefore, when the committee report made the rumors a reality.

ON THE NIGHT the school closing report was presented to the school board hundreds of parents from the targeted schools were encouraged to attend a special meeting in order to listen to the report and ask questions.

But a funny thing happened on the way to the public forum. Each speaker that asked a question that represented a divergent viewpoint from the conclusions drawn in the report was accused of being a hostile adversary by a school board which obviously felt that any dissenting opinion was a personal attack on the members of the board.

As a result of all this non-communication, the school district seemed to be faced with a solution which was unacceptable to some and highly questionable to many others.

Is all this a scenario from a "soap" with a "tune in tomorrow" pitch? Unfortunately, not. It is an accurate description of life and times in the Bloomfield Hills school district in this merry month of May.

I hope the taxpayers from our entire district can unite in requesting that the board of education take an intelligent look at the total picture. Solutions which are short-range or which are enacted as a stop-gap solution for one area or to placate one segment of the population are unacceptable.

See you all at the next board meeting.

JOAN G. BERNIT
Bloomfield Hills

Leave Rosene alone

Editor:

I was outraged and most saddened to read about the eviction of Thure Rosene from the home he has guarded and loved for many years.

Unless the new owners of the property are desperate for money, it seems a cruel act indeed to an old man who has become Bloomfield Hill's "recluse" to kick him out from the only home he knows, not to mention tearing down a lovely old house and landmark to make room for another office building.

I wonder how many people know that Rosene has been bicycling around Woodward Avenue for years picking up trash.

Certainly, he deserves to live the remaining years of his life in his house.

CAROL STEVENSON
Bloomfield Hills

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Chairman of the Board
(for leave of absence)
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President
Chief Executive Officer

The Eccentric Birmingham-Bloomfield Edition

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From our readers

Buses need belts

Editor:

There is one simple obvious error we can change. One that (if we can believe all we hear and read) threatens the lives of our children.

If seat belts are so vitally important for our safety that we are seeking ways to enforce and insure their use, why are they not used and their use enforced on school buses, taxis and other public transportation?

Not only would the use of seat belts seem to help insure our children's safety while riding, but would keep students under control while riding. It would let the driver concentrate on better driving. Have you ever noticed the hub-bub and horseplay going on in school buses and wondered how the driver could also drive? Even a sharp necessary stop could cause havoc.

Also, while we are on the subject of school buses, how about teaching students some responsibility for their own behavior toward safety? Again and again I have stopped for school buses and observed children dashing gaily across the streets without any obvious concern for a possible careless motorist.

Recently, my husband and I even watched a boy bounce a large ball nonchalantly across a busy thoroughfare and scrimmage with another boy without one glance at the traffic. Many adults are run down because of careless behavior.

Could they have been better trained as youngsters and lived longer? Self responsibility seems to be sadly lacking in our world's expectations.

RITA SIMONS
Birmingham

Sad prediction

Editor:

Our new mayor, Robert Kelly, was recently heard to remark, "Now at last, Birmingham will get the kind of city government it deserves!"

He was right, sad to say.

ELIZABETH DENNIS
Birmingham

Subway support

Editor:

Thank you for your editorial "Transit Sense" appearing in the April 20 issue of The Birmingham Eccentric.

I, too, believe that we should "let SEMTA do its job." We desperately need an area-wide transportation system and metropolitan Detroit area legislators should be sophisticated enough to recognize this.

There is no reason why Dial-a-Ride in Oakland County and a subway in Detroit should be mutually exclusive. I am weary of myopic county commissioners deciding for me that I can not have rapid rail transit into Detroit.

I happen to love Detroit for all it has to offer: restaurants with beautiful views of the Detroit River, the Ambassador Bridge and Canada; the Detroit Institute of Arts; Eastern Market; Greektown; the ethnic festivals; Belle Isle; rallies in Kennedy Square—to say nothing of all the cultural events going on there almost daily.

Why should I be forced to drive my car to all these functions and pay the mileage plus the parking fee when I arrive?

It is inconceivable to me why thousands of commuters allow themselves to be bottled up on "expressways" every day when they could be home in

minutes if there was a Detroit Metro similar to the clean, smooth-riding Metro of Montreal which includes both above and underground track.

If Mexico City, Washington and Atlanta can afford subways, why can't Detroit and its suburbs? Doesn't it ever occur to anyone that the construction of a subway may be just the thing Detroit needs at this point to put thousands of unemployed and unskilled laborers to work? The crime rate and surely the welfare costs for the whole state of Michigan would go down.

Even though SEMTA seems to me to be overly bus-centered rather than rail-centered, I agree with The Eccentric's observation that the politicians should stop squabbling and "let SEMTA do its job."

Otherwise this area will lose what substantial federal funding it now has and Detroit will never experience a true renaissance.

MAGGIE TYSON
Bloomfield Hills

Art's real value

Editor:

The material cost of fine arts—painting, sculpture, jewelry, ceramics, poetry or literature—can vary tremendously in relation to size and the type of material used and also in accordance to the amount produced by the artist during his lifetime.

A ring or pendant might have a setting of stones worth several thousands of dollars with little creativity considered in the design. A Rodin or Moore might be an unfired piece of clay and be worth as much as the ring or pendant.

In one case value is highly dependent on actual worth of the material, as in the case of the jewelry, and in the other case, value was derived from the creativity and talent of a Rodin or Moore.

You can not measure the value of works of art strictly by the materials used, yet this is what our state and federal tax structure uses as a guide. Artists are only allowed to use material costs of a work of art—whether its clay, jewels, stone, metal, pencils, paper or an eraser.

We are allowed to deduct anything that goes into the making of a work of art but can not deduct our creativity which is basically 90 per cent of what makes a work of art. How do you measure creativity? You can not. It embodies a lifetime of input that eventually becomes a Mona Lisa, The Thinker, a Calder or a "Saturday Evening Post" cover.

I HAVE READ about artists destroying their works rather than have their families face a heavy tax burden which in many cases they couldn't afford. This is a loss not only to the family of the artist, but to this great country of ours and to the many generations to come who will be deprived of their cultural heritage.

Congressman Frederick Richmond of New York has introduced a bill (H.R. 7896) in Congress to change the fair market evaluation for estate tax purposes to a more equitable cost of material evaluation. Bill H.R. 7896 will be an amendment to H.R. 6715 to correct errors in Internal Revenue Service codes. This is a step forward. All artists should write to their congressman in a show of support for this bill.

JOSEPH D. BULONE
Birmingham

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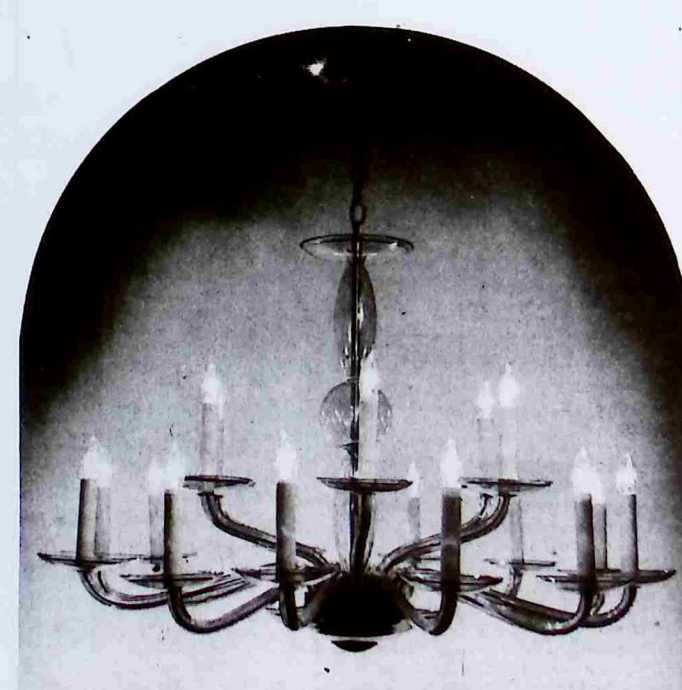
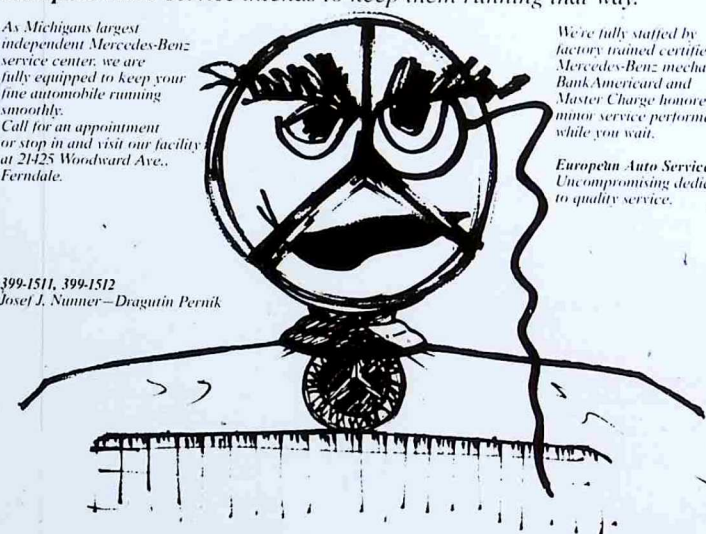
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Speaker Rev. Alex J. Brunetti, Director of Ecumenical Affairs, Archdiocese of Detroit

Greece & Egypt June 15 - June 30

Rome June 16 - 17

Calro June 18 - 21

Athens June 22

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Baldwin House

City Commission Workshop

Department Name

Presented by:

Date:



Baldwin House Workshop Outline

- I. History
- II. Affordable Housing Policy
 - 1. Mortgage Agreement
 - 2. LIHTC Agreement
- III. Zoning
 - 1. SLUP Agreement
 - 2. Parking Agreement
- IV. PILOT Agreement
 - 1. Payment In Lieu Of Taxes Agreement
- V. Proposals



Part I – History

The history of what transpired in the 1970s led to the existing agreements the City Commission has to consider in 2024



Feb 24, 1970 - Senior Citizens Housing Committee Established

- 246-70 -

Moved by Commissioner Breck,
Seconded by Commissioner Dorsey,

WHEREAS, The City Commission has adopted Resolution No. 96-70 establishing a committee of seven residents of Birmingham to consider Senior Citizens low cost housing,

NOW, THEREFORE, BE IT RESOLVED, That the proposed committee on low cost housing for senior citizens shall make a recommendation to the City Commission as to whether or not there is a need for such a facility in the City of Birmingham, and

BE IT FURTHER RESOLVED, That the committee shall act as a fact finding body; its recommendations shall be based on facts gathered from individuals, groups, and governmental agencies; it shall consider the opinions of various individuals and groups concerning this subject, and shall submit a status report to the City Commission within sixty days from the date hereof.

Yeas: - 7

Nays: - 0

August 1972 - Senior Citizens Housing Committee Final Report

The development can be sponsored by a private non-profit organization, such as a church group or by a municipality. With the later, a Local Housing Authority must be established by municipal ordinance.

FINANCING: All of the senior-citizen housing developments of which the committee has knowledge were financed entirely by HUD through the sponsor.

RECOMMENDATION: As a result of its studies, the Committee has concluded that a senior-citizen housing development is both feasible and desirable for Birmingham. It is recommended, therefore, that the Birmingham City Commission enact an ordinance to create a Local Housing Authority as the first and necessary step toward the realization of such housing or welcome proposals from a nonprofit group, or groups, to sponsor the project.

August 28, 1973 - City of Birmingham Bid on Baldwin School Property (Site of existing Baldwin House)

Gentlemen:

In accordance with the published request for bids for the Baldwin School property in Birmingham, to be sold at public auction at your offices on August 30th, 1973 at 10:00 a.m., a good faith deposit of Ten Thousand Dollars (\$10,000.00) in the form of ~~a~~ certified check\$ is hereby delivered for the purpose of qualifying the City of Birmingham, a Municipal Corporation, of 151 Martin Street, Birmingham, Michigan as a bidder.

Bids on behalf of the City of Birmingham will be presented at the auction by Mayor Ralph W. Moxley or his designee.

October 27, 1975 – Birmingham Eccentric RFP

- RFP for Senior Living
- 8 bids received
- Baldwin House team selected

8-1 record.

ADVERTISEMENTS

The City of Birmingham invites proposals for the design, construction, and management of a senior citizen housing complex.

The project will be on land to be leased or purchased from the City. The land is at the northwest corner of Chester and Merrill.

Sealed proposals, marked "Senior Citizen Housing" will be accepted at the Office of the City Clerk, City of Birmingham, 151 Martin Street, Birmingham, Michigan 48012, prior to 2:00 P.M., Monday, December 1, 1975.

Forms and necessary information can be obtained at the Office of the City Manager, same address as immediately above.

The City reserves the right to reject any and all bids, to waive any deficiency in the bids received and to accept any bid proposal which it deems most favorable to the interest of the City.

BETH COLE, City Clerk

October 27, 1975

April 5, 1976 City Ballot Fact Sheet

PROPOSITION NO. TWO - PROPOSITION TO SELL OR LEASE BALDWIN SCHOOL SITE

Shall the City of Birmingham be authorized to sell, or lease and subordinate its title to a mortgage lien, that portion of the former Baldwin School site lying south of the centerline of vacated Martin Street; and the most westerly portion of said site lying north of the centerline of vacated Martin Street, and measuring 110 ft. east and west by 133 ft. north and south, subject to such restrictions as the City Commission in its sole discretion may determine practicable to assure use of the property by the Vendee or Lessee for Senior Citizen Housing and related purposes?

YES ☐

NO ☐

Upon the passage of this question, the City Commission will immediately begin negotiations to sell or lease the property for the design, construction, and management of a senior citizen housing apartment building.

The development corporation has been selected by the City Commission to develop Senior Citizen Housing on the above site. The sponsoring organization is the Baldwin House Corporation which is organized as follows:

- 3 Directors from First United Methodist Church of Birmingham
- 3 Directors from First Presbyterian Church of Birmingham
- 3 Directors from Embury Methodist Church of Birmingham
- 3 Directors from First Baptist Church of Birmingham

The organization's preliminary plans envision a five story wing on Merrill Street and a six story wing on Chester Street with the total building containing approximately 150 units.

The organization will apply for rent supplements from the federal government to reduce the rent payments of qualified tenants.

Implementation of these plans will depend upon approval of all governmental agencies involved.

Vote to sell City
property to Baldwin
House passes
Yes: 3,142
No: 680

June 28, 1976 – Special Purpose Housing Definition Review

Moved by Commissioner Breck,
Seconded by Commissioner Conrad, that the public hearing to consider an amendment to the Zoning Ordinance to add a Senior Citizen Housing Classification to the existing R-7 Multiple-Family Zone Classification and changes necessary to accommodate the new use, be adjourned to July 12, 1976 at 8:00 p.m. in the Commission Room in the Municipal Building.

The administration will consider the following in their study:

1 - 5.142 - Feasibility of raising minimum lot size to 50,000 sq. ft. of land area.

2 - Attention to the definition of "Special Purpose Housing" to insure provision is made for low income people, possibly through a provision under the R-7 that a Senior Facility could be built provided the developer received authority from the Board of Appeals.

July 12, 1976 – Special Purpose Housing Definition Approval

"Special Purpose Housing: A public or private residential building containing dwelling units designed for the use and occupancy by the elderly, the units of which are rented at a rate which would be not more than 110% of the rates permitted under Federal or State subsidized housing for similar units for housing by the elderly."

(b) Parking for Special Purpose Housing shall be supplied in the following amounts:

1 or more room unit - .50 spaces per unit

(1) Minimum Lot Size. A minimum of 60,000 sq. ft. of total land area.

(5) Maximum Building Height

50 feet 5 stories (See Section 5.22)

December 6, 1976 – CC Approves Baldwin House Purchase Agreement

I. THE SALE OF LAND

The City agrees to sell and Baldwin agrees to buy the land described in Exhibit A for the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00), which sum shall be paid in cash at the time of closing. This agreement to buy and sell such land is conditioned upon (1) Baldwin being able to obtain financing for the project which is mutually satisfactory and (2) the parties agreeing upon the plans and specifications for the building and other improvements to be placed on such land.

December 6, 1976 – Baldwin House Purchase Agreement - Section G

(G) The City acknowledges that Federal and State policy requires that non-elderly government assisted housing, as well as assisted elderly housing, be provided to the extent needed and feasible in each housing market area. Therefore, the City agrees to cooperate in any reasonable way consistent with City Ordinances and policies in providing such existing, rehabilitated and/or new housing as the Michigan State Housing Development Authority and/or the US. Department of Housing and Urban Development shall reasonably require as a condition of providing financing to the Baldwin project.

Nov 28, 1977 – Baldwin House Purchase Agreement Amendment CC Minutes

- In pursuit of obtaining financing for the proposed building, MSHDA required that Baldwin House also purchase 50 homes throughout Birmingham deemed “blighted” per HUD standards, and rent them to low-income families as part of HUD’s new “Balanced Housing” program (see minutes).
- November 28, 1977 = Big Day in history of Baldwin House

Mayor Conrad further explained that on November 22, 1977, she and Commissioner Watt, along with the City Manager and members of the Housing Commission, met with the MSHDA Board and HUD to get some answers to inquiries that had been made. Mayor Conrad reviewed a report she had made to the Commission after the meeting with MSHDA and HUD, as follows: that the situation that is developing in Birmingham regarding the family housing requirements was outlined for MSHDA and asked to have Baldwin House released from providing the 50 family units; that MSHDA's reply was that they feel they are following a mandate; that they have an obligation to their investors and the State and Federal governments to provide better housing for all of the people of Michigan.

Nov 28, 1977 – Baldwin House Purchase Agreement Amendment Minutes

"The Baldwin House Corporation was chosen by the Birmingham City Commission to build the senior citizen building. The voters voted "Yes" for the sale of the property for a senior citizen building, and the plans, as submitted by the Baldwin House Corporation, were those placed before the public at that time.

"I join with Mayor Conrad in making a plea to MSHDA to fund the purchase of the old school site and construction of the senior citizen building by the Baldwin House Corporation without the requirement of the 50 houses. Therefore, I believe the contract with Baldwin House Corporation should be renewed with the appropriate wording which would authorize them to purchase the old school site and to construct the senior citizen building only."

- Commissioner Watt

Nov 28, 1977 – Baldwin House Purchase Agreement Amendment Minutes

Commissioner Dropiewski stated that the people deserve to know what will be expected of them if they want senior citizen housing in the community - that they either accept state or federal financing or pay for it themselves; that they must be willing to come up with tax money to subsidize senior citizen rentals. Commissioner Dropiewski further stated that she is not averse to placing the question on the ballot, but that the question must be defined as to whether or not you are in favor of state or federal financing; are you in favor of a bond issue and taking subsidies out of the general fund to subsidize rents for our senior citizens.

Nov 28, 1977 – Baldwin House Purchase Agreement -Section G Amendment

(G) The City acknowledges that Federal and State policy requires that non-elderly government assisted housing, as well as assisted elderly housing, be provided to the extent needed and feasible in each housing market area. ~~Therefore, the City agrees to cooperate in any reasonable way consistent with City Ordinances and policies in providing such existing, rehabilitated and/or new housing as the Michigan State Housing Development Authority and/or the US. Department of Housing and Urban Development shall reasonably require as a condition of providing financing to the Baldwin project.~~ Therefore, the City agrees it will consider such requirements.

Nov 28, 1977 – Baldwin House Purchase Agreement Amendment

- New Section H created

4. A new section, I. H., is added to read as follows:

H. Baldwin House shall not take any steps toward acquiring any interest in or providing any type of housing other than Senior Citizen Housing.

Except as herein modified and amended, the Agreement dated December 6, 1976, is hereby ratified and confirmed.

April 3, 1978, City Commission Election and Senior Housing Question

- Three Commissioners who supported the Baldwin House project were replaced by those in opposition
- Question No. 1: Bond Issue Senior Citizen Housing
“Shall the City borrow \$6 million to build Sr. Living Center?”
Yes - 615, No - 5,900
- Question No. 2: Citizen Housing Advisory Question
“If #1 fails, do you favor financing through MSDHA requirements?”
Yes – 1,772, No – 4,564

COMMISSIONER						
Three (3) Year Term						
VOTE FOR not more than THREE (3)						
George Burtin JACKSON	Bartolo JOHNSON	Gary W. KAIN	Herbert L. RING	Samuel W. STARLES	Arthur J. B. UNDERWOOD	William E. YORK
(3,019)	1,801	(3,043)	2,334	2,431	2,509	(3,115)

QUESTION NO. 1		QUESTION NO. 2	
BOND ISSUE SENIOR CITIZEN HOUSING		SENIOR CITIZEN HOUSING ADVISORY QUESTION	
YES	NO	YES	NO
615	5,900	1,772	4,564

May 8, 1978 Special Election – Commissioner Recall

CONRAD		DROPIEWSKI		WATT	
RECALL PROPOSITION Shall <u>Dorothy J. Conrad</u> be recalled from the office of City Commissioner of the City of Birmingham, Oakland County, Michigan?		RECALL PROPOSITION Shall <u>Ann M. Dropiewski</u> be recalled from the office of City Commissioner of the City of Birmingham, Oakland County, Michigan?		RECALL PROPOSITION Shall <u>Patricia K. Watt</u> be recalled from the office of City Commissioner of the City of Birmingham, Oakland County, Michigan?	
3,257	1,749	3,049	1,866	2,889	2,006
YES	NO	YES	NO	YES	NO
CONRAD		DROPIEWSKI		WATT	

May 8, 1978 Recall Election

Hopefuls throng to recall vacancies

By MARY CONNELLY-SZCZESNY

At least nine people have lined up for three vacant Birmingham City Commission seats created by the city's first recall election.

Three incumbent commissioners, who had supported a controversial plan to provide subsidized elderly and low income housing in the city, were booted from office by voters Monday.

Commissioners Dorothy Conrad, Ann Dropiewski and Patricia Watt left office in the middle of Monday's city commission meeting after the yells of the crowd at city hall signaled their defeat.

About 33 per cent, or 5,067 voters, went to the polls.

Possible appointments to replace the three ousted commissioners will be discussed next Monday, May 15, according to Birmingham Mayor Robert Kelly.

KELLY SAID at least nine people have asked to be considered for appointment to the commission, but he refused to divulge names. It is possible some of the appointments may be made next Monday, he said.

The four current city commissioners may fill the vacancies by appointment until August. At the August primary election, voters will elect three commissioners to serve the remainder of the terms of the recalled officials. Those recalled cannot run in the August election.



Recalled commissioners Ann Dropiewski, Dorothy Conrad and Patricia Watt met with reporters after voters removed them from office Monday. Mrs. Conrad's husband comforts her teenage daughter in background. (Staff photos by Stephen Cantrell)

Three incumbent commissioners who had backed the plan were also defeated in the April 3 election.

Recalled commissioners said Monday they were not bitter and continue to believe that Birmingham needs subsidized housing for the elderly and the poor.

from office during the past five weeks supported a plan to build senior citizen housing with financing from the Michigan State Housing Development Authority (MSHDA). That financing would have required the city to provide rental housing for low and moder-

ate income families.

Mrs. Watt and Mrs. Conrad charged Monday that the housing issue was merely used as a vehicle to grab power in Birmingham.

"There was a group who definitely

(Continued on page 3A)



Patricia Sanderson, who campaigned against the recall, and Dorothy Conrad share their political defeat.

May 29, 1978 – City Commission

- Baldwin House notifies City it cannot obtain loan from MSHDA given the restrictions placed upon them with the amended purchase agreement.
- **The 1976 Purchase Agreement between Birmingham and Baldwin House expired**

May 27, 1982 – US District Court Judgement

NOW, THEREFORE, IT IS ORDERED AND ADJUDGED:

1) that the City of Birmingham, its Mayor, each of its Commissioners, the City Manager, all Officers and Employees of the City and all those acting in concert with them who have notice of this injunctive order are hereby permanently restrained from engaging in any conduct that interferes with Baldwin House's efforts to construct low-income family and senior citizen housing within the City of Birmingham;

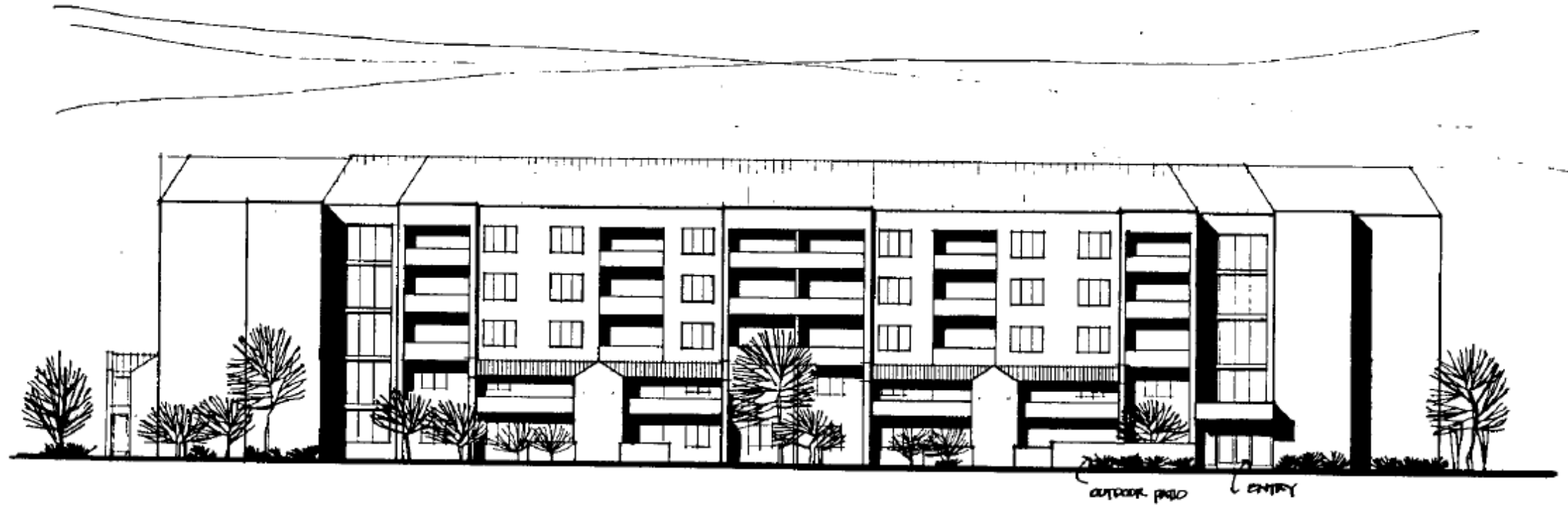
1982 – US District Court Injunction Excerpts

2) that the City of Birmingham shall forthwith reinstate its contract with Baldwin House, dated December 6, 1976, except

5) that the City of Birmingham shall provide to residents of any housing constructed on the Baldwin School site, reasonable access to the city-owned parking lot located north of the center line of vacated Martin Street; such residents shall be permitted to use the parking lot free of charge to the extent that such use does not interfere with the parking needs of adjacent land owners;

11) that the court's jurisdiction in this matter shall be continuing to provide amendments to this Judgment as required in order to assure that low-income family and senior citizen housing is constructed by Baldwin House in the City of Birmingham.

April 14, 1986 – Baldwin House Preliminary Proposal to City



SOUTH ELEVATION - MERILL ST.

PROGRESSIVE ASSOC INC.
ARCHITECTS..

BALDWIN HOUSE
BIRMINGHAM, MICH.

5

May 16, 1986 – City Attorney Correspondence to Housing & Civil Enforcement Section of US Civil Rights Division

Dear Mr. Heffernan:



I have a copy of Wendell G. Addington's letter to you and a copy of his letter to Judge DeMascio. He is correct in his statement that the City of Birmingham does not object to presenting the concept of the Baldwin House project to the Judge for approval. I can further state that the City will not object to the Judge approving of the project concept on a preliminary basis, but it is important that all parties understand that the City has some very deep concerns with the project, concerns which, in large measure, stem from making the project 60% for profit, using pass through financing and providing a subsidy through a private endowment furnished by persons having a substantial interest in the project. I hasten to add that I would expect agreement can be reached with Baldwin House which will allay those concerns.

The big concern of the City is that there be some assurance that the 40% of the units presently designated for low income use will continue to be so used and that the endowment which is said to be presently available cannot be terminated. Since the whole project was originally intended by all parties to be for low income tenants, consideration should be given to requiring a continued effort to obtain rental subsidies, particularly from the Federal Government, and to apply them to additional units if they become available.

August 22, 1986 – Baldwin House Correspondence to Judge DeMascio

7. City Participation

Subject to the provisions of the Court's order, Baldwin and NCA will be requesting that the City, pursuant to provisions of the Act, waive payment in lieu of real estate taxes or, at a maximum, require only a nominal payment of taxes for the period of the mortgage. This participation is necessary in order to assure that

The developers will also request that the City provide a sufficient number of parking spaces to supplement the on-site parking so that each unit will have one parking space available to it. Currently, the Project anticipates generating 48 spaces on site.

August 26, 1986 – City Manager Bob Kenning Correspondence to City Commission

*Manager Kenning emphasizing the 40% - 60% breakdown of residential units

On May 5, 1986, the City Commission met in closed session with representatives from Baldwin House to discuss the proposal for development on the Baldwin site. A key paragraph from the minutes for that meeting states, "It was the consensus of the City Commission to approve the 40/60 concept, and the endowment and return from it to be used for subsidies." The 40/60 concept related to the fact that 40% of the dwelling units for the seniors would be subsidized from the earnings from the \$500,000 investment fund. My own personal notes show an additional comment with regard to the meeting. That comment stated that while the Commission agreed with the concept of the housing being built on the site, the Commission needed more information before agreeing

October 6, 1986 – US District Court Approval of Baldwin House Preliminary Proposal

On May 27, 1982, this Court entered its Judgment which, among other things, retained continuing jurisdiction to make amendments to the Judgment as required in order to assure that low-income family and senior citizen housing is constructed by Baldwin House in the City of Birmingham.

Plaintiff, Defendant and Baldwin House appeared before this Court at a status conference held on August 26, 1986 to discuss the April 14, 1986 housing development proposal of Baldwin House previously submitted to the Court. That proposal provides, among other things, for development of a low and moderate-income family and senior citizen housing project of 130 units, 100 units for the elderly and 30 units for families. The project is to be developed by a limited partnership to be formed by Baldwin House.

History Summary

- City pursued affordable senior housing with great effort
 - Committee report, property purchase, RFP, zoning amendment, purchase agreement, ballots, etc
- Residents did not agree with requirements of MSHDA for Baldwin House Loan
- Actions were taken by residents and Commissioners to prevent Baldwin House from obtaining a loan from MSHDA that involved affordable housing.
- Three City Commissioners who supported the project were voted out in April 1978, another three who supported the project were recalled in May of 1978
- US District Court found Birmingham's actions to prevent Baldwin House from obtaining a loan to be in violation of the Civil Rights Act of 1968
- The Court filed an injunction against the City and took jurisdiction over facilitating the terms of the development for Baldwin House
- US District Court approved preliminary concept in 1986

September 28, 1994 – Baldwin House Obtains Certificate of Occupancy

- 5 Agreements with City or State between 1986 Court approval & 1994 Certificate of Occupancy
 - SLUP Agreement (1987, amended 1988, 1992)
 - Parking Agreement (1990)
 - PILOT Agreement (1990)
 - Mortgage Agreement with MSHDA (1993)
 - LIHTC Agreement with MSHDA (1994)

PART II - Affordable Housing Policy

- Low Income Housing Tax Credit (LIHTC Agreement)
- Pass through funding (MSHDA Mortgage Agreement)

Affordable Housing Policy: Low Income Housing Tax Credit (LIHTC)

- Facilitated by the US Department of Housing & Urban Development (HUD), and the Michigan State Housing Development Authority (MSHDA)
- **This program permits investors in affordable rental housing to claim a credit against their tax liability annually for a period of 10 years.**
- **Typically sold at a discount for an upfront lump sum**
 - Example: 10 years of a \$105k tax credit per year (\$1.05m total) sold for \$1 million up front
 - Typically an exchange between non-profit and development group in affordable housing
- <https://www.michigan.gov/mshda/developers/lihtc/lihtc/low-income-housing-tax-credit-lihtc>

Affordable Housing Policy: Low Income Housing Tax Credit (LIHTC)

- The maximum tax credit a project may receive is based on a percentage of the portion of rental housing.
- **(A) At a minimum, either 20 percent of the units must be for residents whose incomes do not exceed 50 percent of area median income (AMI).**
- **(B) OR, 40 percent of the units must be for residents whose incomes do not exceed 60 percent of the area median income (AMI) - as determined and adjusted annually by HUD.**
- 30% or more of annual income on rent is considered “rent burdened”, thus the monthly rental rate is calculated by multiplying annual income by 30%, then dividing this value by 12 months for a monthly rental rate.
- Area Median Income (AMI) = Oakland County median income

Oakland County LIHTC Eligibility Table - HUD

AMI Column



04/01/2024 INCOME AND RENT LIMITS

County: 63 Oakland

Effective Date: 4/1/2024

	Income	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
	20%	13,440	15,360	17,280	19,180	20,720	22,260	23,800	25,320
	25%	16,800	19,200	21,600	23,975	25,900	27,825	29,750	31,650
	30%	20,160	23,040	25,920	28,770	31,080	33,390	35,700	37,980
	35%	23,520	26,880	30,240	33,565	36,260	38,955	41,650	44,310
	40%	26,880	30,720	34,560	38,360	41,440	44,520	47,600	50,640
	45%	30,240	34,560	38,880	43,155	46,620	50,085	53,550	56,970
(A) 20% of units at 50% AMI	50%	33,600	38,400	43,200	47,950	51,800	55,650	59,500	63,300
	55%	36,960	42,240	47,520	52,745	56,980	61,215	65,450	69,630
(B) 40% of units at 60% AMI	60%	40,320	46,080	51,840	57,540	62,160	66,780	71,400	75,960
	70%	47,040	53,760	60,480	67,130	72,520	77,910	83,300	88,620
	80%	53,760	61,440	69,120	76,720	82,880	89,040	95,200	101,280
	100%	67,200	76,800	86,400	95,900	103,600	111,300	119,000	126,600
	120%	80,640	92,160	103,680	115,080	124,320	133,560	142,800	151,920
	125%	84,000	96,000	108,000	119,875	129,500	139,125	148,750	158,250
	140%	94,080	107,520	120,960	134,260	145,040	155,820	166,600	177,240
	150%	100,800	115,200	129,600	143,850	155,400	166,950	178,500	189,900
	Rent By Person	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
	20%	336	384	432	479	518	556	595	633
	25%	420	480	540	599	647	695	743	791
	30%	504	576	648	719	777	834	892	949
	35%	588	672	756	839	906	973	1,041	1,107
	40%	672	768	864	959	1,036	1,113	1,190	1,266
	45%	756	864	972	1,078	1,165	1,252	1,338	1,424
	50%	840	960	1,080	1,198	1,295	1,391	1,487	1,582
	55%	924	1,056	1,188	1,318	1,424	1,530	1,636	1,740
	60%	1,008	1,152	1,296	1,438	1,554	1,669	1,785	1,899
	80%	1,344	1,536	1,728	1,918	2,072	2,226	2,380	2,532
	100%	1,680	1,920	2,160	2,397	2,590	2,782	2,975	3,165
	120%	2,016	2,304	2,592	2,877	3,108	3,339	3,570	3,798
	125%	2,100	2,400	2,700	2,996	3,237	3,478	3,718	3,956
	140%	2,352	2,688	3,024	3,356	3,626	3,895	4,165	4,431
	150%	2,520	2,880	3,240	3,596	3,885	4,173	4,462	4,747

(A) 20% of units at 50% AMI

(B) 40% of units at 60% AMI

\$33,600(30%) / 12 months
= \$840 per month

Affordable Housing Policy: Low Income Housing Tax Credit (LIHTC)

Example:

LIHTC Eligibility for 100 unit complex in Oakland County 2024

- 20 units at 50% Area Median Income (AMI)
 - Income of \$33,600 or less
 - Monthly rent of \$840 or less

OR

- 40 units at 60% Area Median Income (AMI)
 - Income of \$40,320 or less
 - Monthly rent of \$1,008 or less

Affordable Housing Policy: Pass Through Bond Program – Mortgage Agreement

- Act 346 of the Public Acts of 1966 (the “Act”) permits the Michigan State Housing Development Authority (the “Authority”) to participate in "conduit" or "pass-through" financings in which the bonds issued to finance a development are a limited obligation of the Authority;
 - the bonds are not secured by the Authority's capital reserve capital account; and the bonds are not backed by the moral obligation of the State of Michigan. Instead, the bonds are secured by the revenues of the borrower, the real and personal property being financed, and a form of credit enhancement acceptable to the Authority.
- **Purchaser of bond does not pay income tax on gains, thus lower interest rate for borrower (Baldwin House)**
- Requires provision of either 20% of units at 50% AMI, OR 40% of units at 60% AMI.
- <https://www.michigan.gov/mshda/developers/pass-through>

Affordable Housing Policy: Baldwin House Regulations Past 30 Years

1. Regulatory Agreement (Mortgage Agreement)

- January 4, 1993 agreement between MSHDA & Baldwin House
 - \$8,750,685 loan between MSHDA & Baldwin House
 - regulates affordable housing AND market rate housing

2. Regulatory Agreement/Restrictive Covenant – Low Income Housing Tax Credit (LIHTC)

- December 28, 1994 LIHTC Agreement between MSHDA & Baldwin House
 - \$124,511 income tax credit per year for 10 years
 - Regulates affordable housing units

Affordable Housing Policy: Mortgage Agreement Baldwin House Regulations Past 30 Years

2. Income Restrictions and Rental Rates. Thirty percent (30%) of each of the Development's unit types (40 units) will be rent regulated to serve households whose incomes are no greater than Fifty percent (50%) of area median income, adjusted for family size. Rents (inclusive of tenant paid utilities) for these units will be restricted to Thirty percent (30%) of 1/12th of Fifty percent (50%) of area median income as established by HUD and based on an occupancy assumption of one person per bedroom for projects specifically designated as elderly projects, and one and one-half persons per bedroom for all other developments.

An additional Ten percent (10%) of each of the Development's unit types (13 units) will be rent regulated to serve households whose incomes are no greater than Thirty percent (30%) of area median income, adjusted for family size. Rents (inclusive of tenant-paid utilities) for these units will be restricted to Thirty percent (30%) of 1/12th of Thirty percent (30%) of area median income as established by HUD.

With respect to the remaining Sixty percent (60%) of the units, for the period ending at the later of achievement of sustaining occupancy or two years following the construction "cut-off" date, rents may not be raised by more than 5% over those rents approved in the Authority's mortgage loan commitment report (dated November 1, 1992), except that the rents may be increased by such additional amount as may be necessary to enable the Mortgagor to amortize a permissible mortgage loan increase to fund cost overruns or to pay a full limited distribution if approval is obtained from the Authority's Chief Market Analyst and its Director of Management and Reinvestment. In addition, for the period that the Authority's mortgage loan is outstanding, the average monthly rents on the units not restricted to occupants with incomes at or below 50% of median may not exceed 30% of 100% of the monthly median income for the area in which the Development is located.

Affordable Housing Policy: Baldwin House Mortgage Regulations Past 30 Years

1. Regulatory Agreement (Mortgage Agreement - 1993)

- Section 2, “Income Restrictions and Rental Rates”
 - 30% of the Development’s unit types (40 units) will be rent regulated to serve households whose incomes are no greater than 50% of area median income (AMI).
 - 10% of the Development’s unit types (13 units) will be rent regulated to serve households whose incomes are no greater than 30% of area median income (AMI).
 - *40% of the total units (**53 units/131**) are designated as affordable units*
 - With respect to the remaining 60% of the units, for the period that the Authority’s mortgage loan is outstanding, the average monthly rents on the units not restricted to occupants with incomes at or below 50% of median may not exceed 30% of 100% of the monthly median income for the area in which the Development is located.
 - *60% of the total units (**78 units/131**) are required to average 100% AMI*

Baldwin House Mortgage Restrictions: Past 30 Years

04/01/2024 INCOME AND RENT LIMITS

Section 2:
Income Restrictions
and Rental Rates

County: 63 Oakland

Effective Date: 4/1/2024

	Income	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
	20%	13,440	15,360	17,280	19,180	20,720	22,260	23,800	25,320
	25%	16,800	19,200	21,600	23,975	25,900	27,825	29,750	31,650
10% of units at 30% AMI	30%	20,160	23,040	25,920	28,770	31,080	33,390	35,700	37,980
	35%	23,520	26,880	30,240	33,565	36,260	38,955	41,650	44,310
	40%	26,880	30,720	34,560	38,360	41,440	44,520	47,600	50,640
	45%	30,240	34,560	38,880	43,155	46,620	50,085	53,550	56,970
30% of units at 50% AMI	50%	33,600	38,400	43,200	47,950	51,800	55,650	59,500	63,300
	55%	36,960	42,240	47,520	52,745	56,980	61,215	65,450	69,630
	60%	40,320	46,080	51,840	57,540	62,160	66,780	71,400	75,960
	70%	47,040	53,760	60,480	67,130	72,520	77,910	83,300	88,620
	80%	53,760	61,440	69,120	76,720	82,880	89,040	95,200	101,280
60% of units AVG 100% AMI	100%	67,200	76,800	86,400	95,900	103,600	111,300	119,000	126,600
	120%	80,640	92,160	103,680	115,080	124,320	133,560	142,800	151,920
	125%	84,000	96,000	108,000	119,875	129,500	139,125	148,750	158,250
	140%	94,080	107,520	120,960	134,260	145,040	155,820	166,600	177,240
	150%	100,800	115,200	129,600	143,850	155,400	166,950	178,500	189,900
Rent By Person		1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
	20%	336	384	432	479	518	556	595	633
	25%	420	480	540	599	647	695	743	791
	30%	504	576	648	719	777	834	892	949
	35%	588	672	756	839	906	973	1,041	1,107
	40%	672	768	864	959	1,036	1,113	1,190	1,266
	45%	756	864	972	1,078	1,165	1,252	1,338	1,424
	50%	840	960	1,080	1,198	1,295	1,391	1,487	1,582
	55%	924	1,056	1,188	1,318	1,424	1,530	1,636	1,740
	60%	1,008	1,152	1,296	1,438	1,554	1,669	1,785	1,899
	80%	1,344	1,536	1,728	1,918	2,072	2,226	2,380	2,532
	100%	1,680	1,920	2,160	2,397	2,590	2,782	2,975	3,165
	120%	2,016	2,304	2,592	2,877	3,108	3,339	3,570	3,798
	125%	2,100	2,400	2,700	2,996	3,237	3,478	3,718	3,956
	140%	2,352	2,688	3,024	3,356	3,626	3,895	4,165	4,431
	150%	2,520	2,880	3,240	3,596	3,885	4,173	4,462	4,747

Baldwin House Regulations Past 30 Years

1. Regulatory Agreement (Mortgage Agreement)

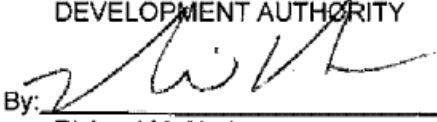
- **Baldwin House paid off mortgage & released from Regulatory Agreement, November 8, 2023**
- **No longer required to have 60% of non-affordable units average 100% AMI**
- Still required to provide 40% affordable units until end-of-year 2024
- Baldwin is seeking to refinance with Fannie-Mae – would no longer be subject to MSHDA Mortgage Requirements

RELEASE OF REGULATORY AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that the MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY, a public body corporate and politic of the State of Michigan, whose address is 735 E. Michigan Ave., Lansing, Michigan 48912, does hereby certify that a certain Regulatory Agreement between BIRMINGHAM LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP, a Michigan limited partnership, whose address is or was formerly 29777 Telegraph Road, Suite 2100, Southfield, MI 48034-7651, and the Michigan State Housing Development Authority, and recorded in the Register of Deeds Office for Oakland County, Michigan, on January 25, 1993, in Liber **13287**, on Page **616**, is hereby terminated and released.

Dated this 8th day of November

MICHIGAN STATE HOUSING
DEVELOPMENT AUTHORITY

By: 

Richard M. Norton
Deputy Director of Legal Affairs

Affordable Housing Policy: Baldwin House Regulations Past 30 Years

2. LIHTC Agreement– Low Income Housing Tax Credits

- December 28, 1994 finalized
- \$124,511 income tax credit per year for 10 years (\$1,245,110 total)
- 15 year period, followed by an extended 15 year period (30 years)
- Applicable fraction (of affordable units) is 53/131 (40%), which shall not be decreased during any taxable year of extended use period.
- Expires December 31, 2024
- Baldwin House is pursuing renewal of LIHTC Agreement for 2025 and Beyond
- MSHDA has indicated they will require 40% of affordable units to be continued for the LIHTC Agreement to be renewed

[illegible]

Development	BALDWIN HOUSE	
MSHDA #	899	
County	Oakland	
MSHDA Asset Mgr.	Tera Poag	
# Family Units	26	
# Elderly Units	105	Section 8 - ACC Units
Total Units	131	

Program	70/30
Management Co.	BALDWIN HOUSE MANAGEMENT LLC
Non Section 8 Rent Effective Date	January 1, 2023
Section 8 Contract Rent Effective Date	
Section 8 HUD Project #	
HAP Anniversary Date (Section 8 only)	
HAP Contract Expiration Date (Section 8 only)	
HAP Anniversary Date (PBV only)	
Last Contract Rent Adj Date (PBV only)	
Rent Restriction (based on # in household)	No
Rent Restriction (based on 1.5 per bdrm)	Yes

Funding Sources	YES/NO	Expiration Date	RAD/ PB	TOTAL	
MSHDA	YES	1/1/25	Vouchers	0 BR	
Tax Credits	YES	7/16/05		1 BR	
HOME				2 BR	
1602				3 BR	
TCAP				4 BR	

	Bedroom #/Size	Special Units	# Units	Rent Restrict % / Unit Type	2022 RENT SCHEDULE		2023 RENT SCHEDULE						2023 RENT POTENTIAL TOTALS	
					2022 Rent	Utility Allowance	Rent Increase	2023 Rent	% Increase	Max.County Gross Rent	Utility Allowance	Maximum Allow. Rent	Monthly Rent Potential	Annual Rent Potential
30% AMI {	1		12	30%	\$425	\$26	\$61	\$486	14.4%	\$516	\$30	\$486	\$5,832	\$69,984
	2		2	30%	\$493	\$48	\$79	\$572	16.0%	\$620	\$48	\$572	\$1,144	\$13,728
50% AMI {	1		35	50%	\$726	\$26	\$105	\$831	14.5%	\$861	\$30	\$831	\$29,085	\$349,020
	2		4	50%	\$854	\$48	\$131	\$985	15.3%	\$1,033	\$48	\$985	\$3,940	\$47,280
100% AMI {	1-S		21		\$1,475		\$74	\$1,549	5.0%				\$32,529	\$390,348
	1-M		25		\$1,575		\$79	\$1,654	5.0%				\$41,350	\$496,200
	1-L		24		\$1,675		\$84	\$1,759	5.0%				\$42,216	\$506,592
	2B/1BA		4		\$2,275		\$114	\$2,389	5.0%				\$9,556	\$114,672
	2B/2BA		4		\$2,575		\$128	\$2,703	5.0%				\$10,812	\$129,744



Affordable Housing Policy: Baldwin House

Summary

- Mortgage Agreement was paid off in November 8, 2023, thus Baldwin House is no longer required to average 100% AMI for the 78 non-affordable units
- LIHTC Agreement expires December 31, 2024
- Applicant will be refinancing through Fannie Mae – less regulations from MSHDA
- Applicant will be applying to renew LIHTC Agreement for 2025 and beyond
- MSHDA has indicated they will require same amount of affordable units for LIHTC renewal.
 - 40% of units (53 units) to be affordable with 30% of units (40 units) at 50% AMI and 10% of units (13 units) at 30% AMI.
- What to do about remaining 60% of units (78 units)? Regulate or uncap?

PART III – Zoning

- SLUP Agreement
- Parking Agreement

Zoning – Baldwin House

Existing Site

- Zoning - R7, Multiple Family Residential
- Lot Area – 67,082 SF
- Height – 5 Stories
- Parking – 11 spaces on-site, 69 spaces in Chester St. Garage
- 131 Residential Units
- Special-Purpose Housing Use – Requires Special Land Use Permit (SLUP)
 - As previously mentioned, the Zoning Ordinance's special purpose housing use was created in 1976, after the City had purchased the property and reviewed RFPs for senior housing. The definition was created with Baldwin House's proposal in mind.

Zoning – By Right vs SLUP Bonus (Incentive Zoning)

R7 – By Right

Max Units – Lot Area / 1,280 SF

Max Height – 4 Stories

Parking – 1.5 spaces unit

Special Purpose Housing – SLUP Bonus

Max Units - 160

Max Height – 5 Stories

Parking – 0.5 spaces per unit

Zoning Regulation	R7 By Right	Special Purpose Housing SLUP	Baldwin House Existing	Baldwin House Bonuses
Height	4 Stories	5 stories	5 stories	1 Story
Residential Units	53 units 67,082 SF / 1,280 SF)	160 units	131 units	78 Units
Parking	(1.5 per unit) (80 spaces)	(0.5 per unit) (80 spaces)	66 required (11 on-site + *69 Garage = 80 total)	*Parking Agreement = 69 spaces off-site

*Parking Agreement

Zoning – Baldwin House

Special Land Use Permit (SLUP) Approvals

- August 24, 1987
 - 15 parking spaces on-site, 51 parking spaces in Chester St. Parking Garage
 - (Zoning requirement total of 66)
- November 14, 1988 Amendment
 - 11 parking spaces on-site, 69 parking spaces off-site to be provided by the City without charge
 - (Maximum requirement total of 80)
- December 21, 1992 Amendment
 - Design changes to Building Plans. Staff could not approve administratively.

*** SLUP Contract may be used as a tool to require certain conditions

Zoning – Baldwin House

Parking Agreement

- 69 Parking Spaces off-site free of charge in Chester St. Garage
- Expires September 28, 2024
 - 90 days to comply (December 28, 2024)
- \$15k per space + capital expenditure per space + monthly rate per space = due 90 days after contract expiration (one time payment)
 - Monthly rate per pass due each month thereafter
- \$1,218,678 by December 28, 2024 for 69 parking spaces
 - (69 parking spaces*(\$15,000+\$2,592+\$70))
- The City may wish to enter into a new parking agreement based on future amount of affordable housing provided

Zoning – Baldwin House

Zoning Summary

- Special-purpose housing SLUP enables Baldwin House an additional 78 residential units, a bonus floor (5th floor), and a reduced parking requirement
- Baldwin House's Special Land Use Permit may be used to require certain conditions related to housing and parking
- Baldwin House has a Parking Agreement with the City of Birmingham as a result of the 1982 Court Order that allows the use of 69 parking spaces in the Chester St. Garage free of charge until the end of year.

Part IV – PILOT AGREEMENT

January 22, 1990 – Baldwin House PILOT Approval

CITY OF BIRMINGHAM

ORDINANCE NO. 1457

BALDWIN HOUSE TAX EXEMPTION ORDINANCE

AN ORDINANCE TO PROVIDE TAX EXEMPTION FOR A PROPOSED ELDERLY AND MULTIPLE FAMILY DWELLING PROJECT FOR PERSONS OF LOWER OR MODERATE INCOME TO BE FINANCED OR ASSISTED PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED, MCLA SECTION 125.1401 et seq.

THE CITY OF BIRMINGHAM ORDAINS:

SECTION 1. Short Title. this Ordinance shall hereafter be known and cited as "Baldwin House Tax Exemption Ordinance."

SECTION 2. Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its family and elderly persons of low and moderate income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346 as amended, MCLA 125.1401, et seq., and MSA 16.114(1) et seq.). The City is authorized by said Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under the Act at any amount it chooses not to exceed the taxes that would be paid but for the Act.

JAN 29 1990
CITY OF BIRMINGHAM
PLANNING DEPARTMENT

Baldwin House PILOT Terms

- 4% Shelter Fee (percentage of collected rents) in lieu of taxes
- MSHDA annually verifies income & rent and notifies Oakland County Assessing
- **4% Shelter fee is applied to ALL 131 units – given that all units have/had a rental restriction (40% affordable – 60% market rate)**
- 2022 – Baldwin House paid \$42,591 in shelter fee (payment in-lieu of taxes)
- Expires December 31, 2024

Baldwin House Birmingham

For the Year Ending December 31, 2022

	1/31/2022	2/28/2022	3/31/2022	4/30/2022	5/31/2022	6/30/2022	7/31/2022	8/31/2022	9/30/2022	10/31/2022	11/30/2022	12/31/2022
Shelter Rents	87,959.73	90,244.39	54,177.68	88,661.42	89,449.36	97,085.65	93,005.48	93,607.86	94,479.24	100,022.16	105,456.82	70,627.16
Payment Rate	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%
2022 PILOT	3,518.39	3,609.78	2,167.11	3,546.46	3,577.97	3,883.43	3,720.22	3,744.31	3,779.17	4,000.89	4,218.27	2,825.09
Cumulative	3,518.39	7,128.16	9,295.27	12,841.73	16,419.70	20,303.13	24,023.35	27,767.66	31,546.83	35,547.72	39,765.99	42,591.08

Michigan PILOT Policy

[MCL – Section 125.1415a](#) – State Housing Development Authority Act of 1966

(1) Except as otherwise provided in this section, **the following are exempt from all ad valorem property taxes** imposed by this state or by any political subdivision, public body, or taxing district in which the project is located:

(a) A housing project owned by a nonprofit housing corporation, consumer housing cooperative, limited dividend housing corporation, mobile home park corporation, or mobile home park association that is financed with a federally-aided or authority-aided mortgage or advance or grant from the authority.

<https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-125-1415a>

Michigan PILOT Policy

[MCL – Section 125.1411](#) - State Housing Development Authority Act of 1966

Definitions, Section 11

(c) "Federally-aided mortgage" means any of the following:

(i) A below market interest rate mortgage insured, purchased, or held by the secretary of the department of housing and urban development. ([Mortgage paid off 2023](#))

(ii) A market interest rate mortgage insured by the secretary of the department of housing and urban development and augmented by a program of rent supplements.

(iii) A mortgage receiving interest reduction payments provided by the secretary of the department of housing and urban development.

➔ (iv) A mortgage on a housing project to which the authority allocates low income housing tax credits under section 22b. ([*LIHTC Agreement* - 2025 and beyond](#))

(v) A mortgage receiving special benefits under other federal law designated specifically to develop low and moderate income housing, consistent with this act.

<https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-125-1411>

Michigan PILOT Policy

MCL – Section 125.1415a - State Housing Development Authority Act of 1966

(3) The owner of a housing project exempt from taxation under this section **shall pay to the municipality in which the project is located an annual service charge for public services in lieu of all taxes.** All of the following apply to the amount that an owner must pay as a service charge under this subsection:

(c) Notwithstanding subdivision (a), a service charge paid each year in lieu of taxes for that part of a housing project that is tax exempt under subsection (1)(a) and occupied by individuals or families other than low-income individuals or families must be equal to the full amount of the taxes that would be paid on that portion of the housing project if the housing project were not tax exempt. The owner of the housing project must allocate the benefits of any tax exemption granted under this section exclusively to low-income individuals or families or to the maintenance and preservation of the housing project as a safe, decent, and sanitary affordable housing.

Michigan PILOT Policy Summary

- Baldwin House is eligible for local tax exemption due to existing MSHDA loan and LIHTC Agreement, as well as future LIHTC renewal agreement for 2025 and beyond
- Baldwin Currently pays a 4% shelter fee for collected rents. The 4% is currently applied to all 131 units, given that all 131 have historically had some type of rent regulation (40% affordable – 60% market rate)
- The existing PILOT Agreement will expire December 31, 2024
- A new PILOT Agreement could involve a shelter fee (ex. 4%) applied to only affordable units (40%), plus a fee equivalent to the taxable value of non-affordable units (60%)
- *Conditions of a SLUP could be connected to new PILOT Ordinance

Part V – Proposals

To be Discussed at Workshop



Proposal Items for Consideration:

1. What to do about 60% (78 units) of non-affordable units?
 - Should they be regulated with a rental cap?
 - If so, how should they be regulated, and at what AMI level?
2. Parking Agreement
 - Should a Parking Agreement be renewed?
 - If so, how should free parking spaces be allocated based on future ratio of affordable units?
3. PILOT Agreement
 - What percentage of units should a shelter fee in lieu of taxes be applied to?
 - How much should the fee be?
4. Rent Changes & Resident Turnover
 - How will proposed changes impact current residents?