



Memorandum

To: Mayor Schreiber and City Council Members

From: Edward B. Koryzno, City Manager

Date: January 27, 2011

Subject: Council Information Letter

CURRENT PROJECTS

**Parkview Apartments Redevelopment Project: Attached is the monthly update report from Mr. Norris on the status of Parkview Apartments improvements.

Lights in Depot Town alley: New globes arrived on Wednesday, January 12th and were installed on Thursday, January 13th. Mr. Kirton reports that DPS has replacement bulbs in stock. This project is now complete.

Functional Fire Districts: Questions Regarding Fire Department: Council posed several questions regarding the functional fire arrangement and the delivery of the new fire truck. Chief Ichesco's responses to the questions posed are below:

1. [Ask the Chief to give us his best estimate of changes in response time and how this will affect the budget.](#)

Response time for the first alarm, City engine response, will not change. A second alarm implementing a box alarm will improve response time by three to six minutes, which can mean the difference between a successful interior attack and flashover within the building. A flashover occurs when fire is uncontrolled and the products of combustion ignite at the ceiling level over the entire room. We have not had the ability to deploy box alarm numbers since the early eighties due to staffing reductions and the loss of residency requirements.

Realized budget reduction is estimated at \$1500 of overtime, reducing the number of off duty staff needed for mutual aid requests. We provide an average of eleven mutual aid requests per year and receive three mutual aid requests. We will send a single engine rather than two engines. Mutual aid partners typically request all resources based on the tradition of calling for more resources than needed and cancelling if the incident is manageable.

The real savings will be in property saved and the reductions of injuries. An on the job injury will cost \$ 10,800 of wages per month in lost time and overtime. The box alarm system can mean the difference between an offensive or defensive attack and the loss of lives, property, or premises.

2. Ask the Chief for an update on the new engine

The new Engine chassis will be ready for inspection on February 10th. With approval, the chassis will be shipped to South Dakota for the pump and cabinet work. Completion is scheduled for March 31, 2011 and hopefully goes into service the first week of April, 2011. Our Aerial Platform is operational with all warranty work completed as agreed with KME and the City of Ypsilanti.

**City of Ypsilanti Investment Reports: Attached are the quarterly investment reports for July through September, 2010, and a memorandum of explanation from Ms. Uy.

Oakwood and Washtenaw CMAQ Grant Project: A meeting has been scheduled with EMU representatives, council members from Ward 2 and 3, and City staff for February 7th at 3:30 to be held in the EMU Student Center to discuss reasons for the recent modifications to the project design and the final approval schedule.

Left hand turns on Michigan Avenue downtown: On Friday, January 14, 2011, MDOT installed the additional signage on Michigan Avenue indicating that left hand turns will be allowed from Michigan Avenue on to Washington and Adams Streets downtown. The start of the pilot year for MDOT's review and study was Saturday, January 15, 2011.

Administrative Hearings Bureau: The Administrative Hearings Bureau was successfully implemented and sessions are held the third Thursday of every month at 10:00 a.m. in the City Council chambers.

Gasoline Spill at Huron Street BP Station: Chief Ichesco states the January 2011 MDEQ report indicated that the plume is retracting with the majority of wells indicating reductions of product. There were no product detections in surface water sampled in the wet land northwest of the former UAW Hall, and the wet land between the City former dump property and the Ford Motor parking lot. The test well results for the former city dump property were below Groundwater Surface Interface criteria (GSI). Ten of the 33 wells detected concentrations exceeding the requirements of Part 213 Drinking Water and/or GSI criteria.

You will recall that in September of 1998, the filling station, formerly BP on South Huron, experienced a serious product leak of more than 10,000 gallons. The gasoline traveled with the flow of the natural ground water, entered into the sanitary sewer and required shutting down the sanitary lift station on Factory Street. Vapors backed up into an adjacent rental house and ignited when the natural gas fire water heater began to heat water. YCUA installed a continuous sanitary sewer pipe liner preventing infiltration, abating the dangerous condition. MDEQ began the environmental remediation process that continues today.

The product plume moved with the underground spring in a southeast direction crossing Spring Street and tracked to the Huron River along the Ford Motor parking lot. The plume is monitored by 33 test wells located throughout this area, which analyze periodic water samples. MDEQ began injecting oxygen and ozone into the soil in 2005 to speed the natural break down of hydrocarbon product as well as the additives in the gasoline.

In summary, the area between Chidester Street and the east side of Bell Street met GSI criteria. The former City Dump and the wet lands tests indicated dramatic reductions from 1998 when all tests exceeded criteria. The Ford Motor parking lot test wells produced stable or reductions of groundwater contamination. The results of three test wells with high concentrations of VOC on the south side of Spring Street between Bell and Casler Street do raise concerns. These wells are behind the curb and noted a decreasing trend. Samples will be taken again at the end of January 2011 and a report will be provided.

GENERAL INFORMATION

**City of Ypsilanti v Thomason: The City Attorney's Office reports that Judge Shelton has affirmed the trial court's decision and upheld the City Of Ypsilanti ordinance regarding chicken and other animals kept in the city. I have attached a copy of his opinion and order.

Mayors Automotive Coalition: Staff will have a recommendation regarding joining the Mayors Automotive Coalition at the February 15th council meeting.

*Police Department: Chief Walker has provided the most recent taser report.

Improving Work Transportation between Ypsilanti & Ann Arbor: AATA has been working with various organizations, to improve transportation options and service hours. The working group includes representatives from the County, Universities, Chamber, WATS, and Ann Arbor DDA. The following is an update on their ongoing effort. To date, no firm decisions have been made regarding expansion of the services.

The three highest priority improvements:

- Expansion of Night Ride service to provide service between Ann Arbor and Ypsilanti
- More frequent peak-hour service on the #4 Washtenaw route
- More frequent peak-hour service on the 3 Ypsilanti local routes

Night Ride

Night Ride service will be extended to Golfside in the near future, hopefully March 1. AATA was successful in getting federal Job Access/Reverse Commute (JARC) funds allocated to expand Night Ride service. They decided to begin with extending the service only to Golfside initially because it enables them to test the concept. Using the experience from service expansion to Golfside, they will be more able to estimate cost and provide the appropriate capacity for expansion all the way to Ypsilanti. This expansion will be funded by JARC and TheRide.

Fixed Route

Increased Peak-hour Frequency on Route 4: AATA's emphasis currently is on the potential increased frequency on the #4 Washtenaw route. This requires 1 additional bus, which can be done with TheRide's existing fleet, and is the less expensive piece at a local cost of \$68,000 per year.

Increased Peak-hour Frequency on Ypsilanti local routes: Increased frequency of the three local Ypsilanti routes requires two additional buses, which can't be done with TheRide's existing fleet, and requires substantially more money, a local cost of \$133,000.

It was previously reported that the DDA Board approved \$14,400 for the fixed-route service improvements. The DDA intended this as a challenge grant and AATA is taking it in that spirit. *If AATA can find four other sources of \$14,400*, they will have enough to operate the increased service on the #4 Washtenaw route for a year.

Next Steps:

AATA has begun to develop a list of potential funding partners, but needs to start the discussions. AATA's partnership in planning and implementation is essential to improve transit options in their most important corridor.

**2010 State Equalized Value & Taxable Value Report: The taxable value of the City has declined by 22% during the past three years and may reach 32% this year, projections remain constant. I was curious to know how the decline compared to the rest of Michigan. Attached is a sheet showing the comparison of the City's decline in key taxable value areas versus the State of Michigan. Overall, the City has fared worse than the State and the most telling statistic is residential real taxable value for 2010, which was 95.5% of SEV. This means that only 4.5% of residential properties in the city generated revenues greater than the year before based upon inflation.

Washtenaw County Treasurer "Chargeback's": As you know, the County pays the City annually for the amount of real property taxes that are delinquent and they also pursue collection. Historically, this process has worked well; the properties would be auctioned and the county would generate sufficient revenues to pay for this cost. The decline in the housing market and economy has created a situation where the costs of this program are greater than the revenues. The result is the County Treasurer is billing the City for tax foreclosure auction losses. We received our first bill and the total is \$63,366.71. Staff and I will be meeting with the County Treasurer to discuss how the City may reduce or avoid "chargeback" costs in the future.

Urban County Quarterly Report: Each spring, Urban County approves the spending plan for Community Development Block Grant (CDBG) as well as for HOME funds. Council approved a two-year plan for CDBG spending through the Urban County on January 12, 2010. Attached is a report indicating the expenditures completed and underway related to previous funding cycles.

As you can see in the report, eight households benefitted from the single family rehabilitation program, including two emergency repairs, and one for the energy efficiency program. Here's a brief summary of these programs available to homeowners, and in the case of the energy efficiency program, to both single family owner-occupants and owner-occupants with up to 3 rental units:

- Owner-occupied housing rehabilitation program (Zero interest loan program)
- Emergency repair program (\$3,000 grants to owner-occupied low income applicants)
- Accessibility Ramp Program (\$5,000 grants to low-income applicants)
- Energy Efficiency Program

More information is available on these programs on the Washtenaw County website or through informational brochure's available through the Clerk's office.

http://www.ewashtenaw.org/government/departments/community_development/housing_services/housing_rehabilitation/housingrehabprogrampage

Projects previously approved by City Council for 2011-2012

- ADA Ramps - \$50,000
- Senior Center (kitchen) - \$30,000
- Parkridge Park improvements (related to findings of Community Needs Assessment) - \$5,000
- Single family rehabilitation - \$50,000
- Demolition of dangerous buildings - \$15,000

If you have any questions regarding the report or Urban County funding, please contact Teresa Gillotti, Planner II at 483-9646 or tgillotti@gmail.com

TO: City of Ypsilanti Mayor and City Council
YHC Board of Commission

FROM Walter Norris, Executive Director

RE: Update on Parkview Redevelopment

DATE: January 20, 2011

PARKVIEW REDEVELOPMENT UPDATE

Pre-construction work on the redevelopment of Parkview Apartments continues. The selection of a contractor for both phases of the project is anticipated to be finalized before the end of January.

Plans are underway by the architect, Fusco, Shaffer & Pappas. Schematic plans for the management building are completed and it is planned that an addition to that building will provide for offices for property management and Family Self Sufficiency Program staff, a computer lab and community room including a kitchen for resident use. It is anticipated that the project will applying for site plan approval in mid-February.

A Letter of Intent has been signed with a tax credit investor, Boston Financial, and closing with that investor is anticipated to happen by March 2, as required by MSHDA. Discussions are underway with a construction lender for Phase 2 (tax credit phase) also. All other financing for Phase 2 (HUD Upfront grant and HOME financing) are already closed and in place. Construction on Phase 2 should commence in the second quarter of 2011 with the first units being delivered before the end of the year.

An application for FHA financing for Phase 1 in anticipated to be submitted to HUD by early April. Project plans and construction costing from the contractor are required for that submission.

All environmental testing is almost complete, as required by MSHDA.



MEMORANDUM

To: Edward B. Koryzno Jr., City Manager
From: Marilou T. Uy, Fiscal Services Director
Date: 12/21/2010
Re: Investment Report 1st Quarter and FY 2010-2011

The investment of surplus monies by Michigan local governments is controlled by Public Act 20 of 1943; the Act previously required investment reporting annually. Public Act 213 of 2007 now requires local governments to perform their investment reporting quarterly to the governing body. The Michigan Committee on Governmental Accounting and Auditing (MCGAA) suggests that each required quarterly report be much more concise than the annual report. The City of Ypsilanti is authorized to invest surplus monies of non-pension funds in U.S. bonds and notes, certain commercial paper, U.S. government re-purchase agreements, bankers' acceptances and mutual funds and investment pools that are composed of authorized investment vehicles.

The City of Ypsilanti funds were invested in various instrument such as Certificate of Deposits, Commercial Money Market Savings and Checking accounts, Money Market investment accounts, Treasury Securities, Certificate of Deposit Account Registry Service (CDARS) and Federal Agencies during the first quarter of the 2010/2011 Fiscal Year. Total interest earnings for the quarter were \$119,317 on investments ending the first quarter at \$24,967,344.18 compared to \$60,523.80 on investments ending the first quarter of 2009-2010 at \$30,661,555.02. The investment portfolio of the City yielded an average return of 1.741% during the first quarter. Compare this to the average yield of 0.19% for the first quarter of 2010-2011 on the 6-month Treasury bill, which is customarily used for a benchmark.

As in the past, the City received higher than benchmark yields on the investments in Federal Agencies because these instruments return principal as the underlying mortgages are paid off through refinancing and they yield higher interest rates when the stock market is down.

Please call at 734-483-1105 or email me at muy@cityofypsilanti.com if you have questions.

**CITY OF YPSILANTI
INVESTMENT REPORT
AS OF SEPTEMBER 30, 2010
1ST QTR FY 2010-2011**

FUND #	INVESTMENT #	BANK	AVERAGE INTEREST RATE %	PRINCIPAL	FUND TOTAL
101	VARIOUS	BAA	0.47	2,773,198.47	
101	xxx34395-1	CITIZENS	0.55	1,021,264.37	
101	VARIOUS	ICM	8.05	2,538,339.20	6,332,802.04
202	VARIOUS	ICM	1.13	4,031.83	4,031.83
265	CD	BAA	0.60	722,088.25	722,088.25
641	VARIOUS	BAA	0.50	1,097,334.59	
641	xxx34395-1	CITIZENS	0.50	1,020,802.95	
641	VARIOUS	ICM	5.75	820,072.18	2,938,209.72
677	VARIOUS	ICM	6.37	658,472.97	658,472.97
732	CD	BAA	0.60	722,088.08	722,088.08
300,341	300018793	BAA	0.52	1,107,410.70	1,107,410.70
364,365,366,367	498001205	BAA	0.85	820,715.00	
364,365,366,367	498001205	BAA	0.85	1,994,075.29	2,814,790.29
COMMON	300017712	BAA	0.50	4,196,137.39	
COMMON	359681081030	KEY	0.62	405,785.39	
COMMON	CDs	BAA	0.50	5,065,527.52	9,667,450.30
TOTAL INVESTMENTS			27.857	24,967,344.18	24,967,344.18
WEIGHTED AVERAGE % YIELD			1.741		

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Data Source F:\USER\FINANCE\INVESTMENT\RECONCILIATIONS\BY FUND 08-09.XLS

Data Source F:\USER\FINANCE\INVESTMENT\2008-2009\OUTSTANDING CERTIFICATE OF DEPOSIT.XLS

**CITY OF YPSILANTI
INTEREST EARNED
FISCAL YEAR 2010-2011**

FUND	1ST QTR INTEREST	2nd QTR INTEREST	3rd QTR INTEREST	4th QTR INTEREST	YTD INTEREST
101	63,124.54				63,124.54
202	1,856.94				1,856.94
203	479.63				479.63
226	227.08				227.08
252	15.80				15.80
265	818.74				818.74
275	438.28				438.28
300	144.16				144.16
341	157.34				157.34
364	-				-
365					-
366					-
367					-
368					-
399	53.11				53.11
412	161.48				161.48
413	348.42				348.42
414	752.37				752.37
415	276.08				276.08
469	-				-
470	-				-
471	-				-
472	-				-
473	-				-
474	-				-
477	671.09				671.09
495	295.74				295.74
641	34,962.75				34,962.75
677	10,715.98				10,715.98
732	2,802.02				2,802.02
736	1,015.45				1,015.45
TOTAL	119,317.00	-	-	-	119,317.00

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Data Source: General Ledger posted transactions summary YTD 10-28-2008

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

CITY OF YPSILANTI,

Appellee/Plaintiff,

Case No. 09-1227 AV

vs

Honorable Donald E. Shelton

PETER THOMASON

Appellant/Defendant.

OPINION AND ORDER AFFIRMING TRIAL COURT

At a Session of the Court held in the
Washtenaw County Courthouse in
the City of Ann Arbor, on January 21, 2011

PRESENT: HONORABLE DONALD E. SHELTON, Circuit Judge

Between late 2006 and early 2007, Appellant purchased chickens and several miniature dwarf goats to keep on his residential property. He asserts that the eggs and goat milk have been used to feed his family and provide extra income. On May 19, 2008, Appellant received a citation alleging two violations of Ypsilanti Ordinance 14-7 ("*Restrictions on Keeping Certain Animals*"). He then received another citation after the ordinance was amended, for violating the Amended 2009 Ordinance by keeping "chickens and goats on property."

On October 13, 2008, Appellant moved to dismiss the original two citation violations. He claimed that the original 2005 Ordinance was void *ab initio* because it conflicted with the Michigan Right to Farm Act (MRTFA) and the city had admittedly failed to follow the proper MRTFA process to enact an ordinance. On January 27, 2009, Judge Tabbey denied the motion. There is a minimal record in this case as the parties

agreed that the trial court could enter findings of responsibility so that Appellant could preserve his appeal rights. Appellant sought leave from this Court to file an interlocutory appeal of trial court's decision.

Appellant argues that the 2005 City Ordinance 14-7 was void *ab initio* for failure to comply with the MRTFA, and as such, it was preempted by state law. Appellant argues that prior to the 2009 amendment of the ordinance, his actions in maintaining farm animals on his property for agricultural purposes was legal. Thus, he had a vested right to continue his now nonconforming use of his property for his "micro-farming" activities. In the alternative, Appellant seeks a declaration that the 2009 amendment for Ypsilanti Ordinance 14-7 constitutes a regulatory taking entitling Appellant to just compensation.

The 2005 Ypsilanti Ordinance 14-7 states:

- (a) *Pets*. No owners shall keep or house any animals or domestic fowl within the city except dogs, cats, nonpoisonous insects, and captive-bred species of rodents, common cage birds, nonpoisonous aquarium reptiles, aquarium amphibians, and aquarium fish commonly classified as pets and which are customarily kept or housed inside dwellings as household pets.
- (b) *Wild Animals*.
 - (1) No person shall own, possess, or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to AAZPA accredited facilities.
 - (2) No person shall keep or permit to be kept any wild animal as a pet.
 - (3) The licensing authority may grant temporary permits for the keeping of infant wild animals. However, the licensing authority shall have the power to release or order the release of any infant wild animal under temporary permit that is deemed capable of survival.
- (c) *Bees*. No owner shall keep or possess any apiary containing any stands or hives of bees except as provided in chapter 122.

- (d) *Municipal Civil Infraction.* A person who violates any provision of this section is responsible for a municipal civil infraction, subject to a civil fine as set forth in section 70-38. Repeat offenses under this section shall be subject to increased fines as set forth in 70-38.

The 2009 amended Ypsilanti Ordinance 14-7 states:

(a) *Pets.* No owners shall keep or house any animals or domestic fowl within the city except dogs, cats, nonpoisonous insects, and captive-bred species of rodents, common cage birds, cage birds kept pursuant to license under state or federal law, including but not limited to Michigan Act 451, PA of 1994, as amended, and the Wildlife Conservation Order as amended and under the Code of Federal Regulation (CFR), including but not limited to 50CFR 13 subpart D and 50 CFR; 1.28 and 21.29, nonpoisonous aquarium reptiles, aquarium amphibians, and aquarium fish commonly classified as pets and which are customarily kept or housed inside dwellings as household pets.

(b) *Wild animals.*

(1) No person shall own, possess, or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to AAZPA accredited facilities or cage birds kept under state or federal license.

(2) No person shall keep or permit to be kept any wild animal as a pet.

(3) The licensing authority may grant temporary permits for the keeping of infant wild animals. However, the licensing authority shall have the power to release or order the release of any infant wild animal under temporary permit that is deemed capable of survival.

(c) *Bees.* No owner shall keep or possess any apiary containing any stands or hives of bees except as provided by chapter 122.

(d) *Rights protected by the Michigan Right to Farm Act excluded.* This section does not extend or revise in any manner the provisions of the Michigan Right to Farm Act or generally accepted agricultural and management practices developed under the Michigan Right to Farm Act. Specifically, the following are excepted from the prohibitions of this section: A farm or farm operation under the Michigan Right to Farm Act that conforms to generally accepted agricultural and management practices according to policy determined by the Michigan Commission of Agriculture and, therefore, is not a public nuisance pursuant to MCL 285.473; and a farm or farm operation that existed before a change in land use or occupancy of land within one mile of the boundaries of the farm land, and if before that change in land use or occupancy of land, the farm or farm operation would not have been a nuisance.

(e) *Municipal civil infraction.* A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this section shall be subject to increased fines as set forth in section 70-38.

The relevant portion of the MRTFA, which addresses preemption, at MCL 286.474(6) states:

(6) Beginning June 1, 2000, except as otherwise provided in this section, it is the express legislative intent that this act preempt any local ordinance, regulation, or resolution that purports to extend or revise in any manner the provisions of this act or generally accepted agricultural and management practices developed under this act. Except as otherwise provided in this section, a local unit of government shall not enact, maintain, or enforce an ordinance, regulation, or resolution that conflicts in any manner with this act or generally accepted agricultural and management practices developed under this act.

Whether a state statute preempts a local ordinance is a question of statutory interpretation. *Mich Coalition for Responsible Gun Owners v Ferndale* 662 N.W. 2nd 864 (2003). Statutory construction is a question of law subject to de novo review. *County of Wayne v Hathcock*, 471 Mich 445 (2004). MCL 286.474(6) clearly states, "...it is the express legislative intent that this act preempt any local ordinance, regulation, or resolution that purports to extend or revise in any manner the provisions of this act or generally accepted agricultural and management practices developed under this act."

MCL 286.473 primarily addresses the treatment of a farm or farm operation as a nuisance. It states, in whole:

(1) A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to generally accepted agricultural and management practices according to policy determined by the Michigan commission of agriculture. Generally

accepted agricultural and management practices shall be reviewed annually by the Michigan commission of agriculture and revised as considered necessary.

(2) A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation existed before a change in the land use or occupancy of land within 1 mile of the boundaries of the farm land, and if before that change in land use or occupancy of land, the farm or farm operation would not have been a nuisance.

(3) A farm or farm operation that is in conformance with subsection (1) shall not be found to be a public or private nuisance as a result of any of the following:

- (a) A change in ownership or size.
- (b) Temporary cessation or interruption of farming.
- (c) Enrollment in governmental programs.
- (d) Adoption of new technology.
- (e) A change in type of farm product being produced.

Thus, under these portions of the MRTFA, a farm or farm operation is not a nuisance if it complies with generally accepted agricultural and management practices (GAAMP), if it existed before a change in land use or occupancy within 1 mile of its boundaries, or if it was in compliance with generally accepted agricultural and management practices but had any of the circumstances listed in MCL 286.473(3)(a)-(e).

Judge Tabbey correctly found that the 2005 Ordinance was not preempted by MRTFA. Appellant's argument regarding preemption is without merit because only a regulation that is in conflict with generally accepted agricultural and management practices (GAAMP) is preempted by the state law. A local government may restrict the keeping of animals for purposes of health and safety so long as the restrictions do not purport to conflict with MRTFA or generally accepted agricultural and management practices.

The Michigan Department of Agriculture has issued the current Generally Accepted Agricultural and Management Practices (GAAMP) pursuant to the MRTFA. The Legislature required the Department of Agriculture to develop uniform and statewide standards based on sound science. GAAMP has been developed in the following areas: manure management and utilization; pesticide utilization and pest control; nutrient utilization; care of farm animals; cranberry production; site selection and odor control for new and existing livestock production facilities; and irrigation water use. For purposes of this case, the only relevant GAAMP is site selection and odor control for new and existing livestock production facilities. All potential sites for new and expanding livestock production facilities can be identified by three general categories. They are:

Category 1. These are sites normally acceptable for livestock production facilities and generally defined as areas that are highly agricultural with few non-farm residences.

Category 2. These are sites where special technologies and/or management practices could be needed to make new and expanding livestock production facilities acceptable. These areas are predominantly agricultural but also have an increased number of non-farm residents.

Category 3. These are sites that are generally not acceptable for new and expanding livestock production facilities due to environmental concerns or areas that may be predominantly residential.

As set forth in Category 3 in GAAMP, certain areas are considered unacceptable for construction of new livestock facilities. Those include:

2. High public use areas - Areas of high public use or where a high population density exists, are subject to setbacks to minimize the potential effects of a livestock production facility on the people that use these areas. New livestock production facilities should not be constructed within 1,500 feet of hospitals, churches, licensed commercial elder care facilities, licensed commercial childcare facilities, school buildings, commercial zones, parks, or campgrounds. Existing livestock production facilities may be expanded within 1,500 feet of high public use areas with appropriate MDA review and verification. The review

process will include input from the local unit of government and from people who utilize those high public use areas within the 1,500 foot setback.

3. Residential zones - Areas zoned primarily for residential use will generally have housing at a density that necessitates setback distances for livestock production facilities to prevent conflicts. New livestock production facilities shall not be constructed within 1,500 feet of areas zoned for residential use where agriculture uses are excluded. Existing livestock production facilities may be expanded within 1,500 feet of areas zoned for residential use with approval from the local unit of government.

It is clear that the City of Ypsilanti falls within Category 3 since it is mostly a residential zone with business and industrial business districts. Appellant's property is zoned for residential use. It is clear under the plain language of GAAMP that Appellant's micro-farming activities would be prohibited. Moreover, Appellant admits that his farm operation does not comply with the site GAAMP when he pled responsible to the citations. The ordinance *as applied* creates no conflict with MRTFA. In fact, the ordinance is valid unless it specifically conflicts with GAAMP, which it does not.

To the extent that the Appellant argues that he has a legal nonconforming use or that the Appellee has committed a compensable taking, those arguments are without merit. The local zoning ordinance has been in force since 1983 before Appellant started his backyard farm.

The trial court is AFFIRMED.

IT IS SO ORDERED.



Donald E. Shelton
Circuit Judge



Memorandum

To: Edward B. Koryzno Jr., City Manager
From: Lt. Paul DeRidder
Date: January 13, 2011 Number: 2011-001
Subject: Taser Deployment Report

Since the inception of the Taser program in April 2008, we have had **29 deployments** and **25 incidents** in which officers received voluntary compliance during initial deployment when the subject observed the officer drawing the Taser from the holster. We have also had **2 deployments on attacking K-9's** that has stopped the K-9 from attacking the citizen or officer.

I have summarized below the Taser deployment that we had on **January 2, 2011**, involving an assault on a police officer.

January 2, 2011 – Officers were dispatched to 215 North Prospect in reference a subject refusing to leave that was intoxicated and suffers from psychological issues. Upon arrival Officers were told the subject left on foot.

Officers then were dispatched to McDonald's restaurant in reference a subject wanting to file an assault report. Upon arrival Officers observed a subject standing in the parking lot picking up items from the ground. Officers made contact with the subject who was the same subject from the 215 North Prospect call.

The subject stated that his ribs were broken from the assault and requested to go to the hospital. Officers requested HVA, and began to ask the subject who assaulted him when the subject began to talk about getting his guns and killing everyone. Officers could smell a strong odor of alcohol emitting from his person and the subject stated he was bi-polar and suffered from a closed head injury. HVA arrived on scene and advised Officers that they have dealt with the subject on numerous occasions and he was known to be violent. Officers/HVA personnel attempted to walk the subject into the ambulance when the subject started to walk away. Officers told the subject he was going to have to go to the hospital for an evaluation since he was a danger to himself and the community. The subject refused and the Officer began to escort the subject towards the ambulance.

The subject struck the officer in the face and began to struggle with him. The officer released the subject and ordered him to stop resisting the subject refused to comply with orders. The officer drew his electronic control device (Taser X26) and deployed the Taser X26 once striking the

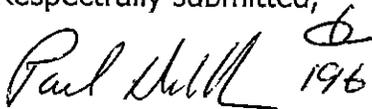
subject in the back area. The subject fell to the ground and as an officer attempted to secure him in handcuffs the subject began to fight with officer. Officer deployed multiple drive stuns and then was able to secure the subject in handcuffs. The subject was turned over to HVA and transported to St Joseph Mercy Hospital for psychological evaluation. No injuries were sustained to the Subject or Officers. A warrant request was sent over for Assault on a Police Officer.

I have summarized below the Taser deployment that we had on January 9, 2011, involving an arrest of a subject for resisting and obstructing on a police officer, false identification, multiple felony and misdemeanor warrants.

January 9, 2011 –Officers were conducting traffic enforcement on Forest near Hemphill. Officers observed a vehicle travelling at a high rate of speed and subsequent Radar speed of 40 mph in a 25 mph zone. Officers made a traffic stop and the driver did not have a driver's license in his possession and the front seat passenger was not wearing his seat belt. Officers gathered verbal identification from both and the driver of the vehicle was driving on a suspended license x 7 convictions and when officer ran a lien check on the passenger it came back with no information. The Officer approached the passenger and escorted him back to the scout car to identify him. The subject then pushed the officer and took off running on foot. The officer pursued the subject and gave loud verbal commands for the subject to stop "police" the Officer attempted to tackle the subject but fell on the ice. The subject then attempted to hit the officer in the back of the head with his fist. The back-up officer announced he was going to deploy his Taser but had a malfunction. The officer was able to get up and pursue and deployed his Taser X26 once striking the subject in the back and buttock causing Neuro Muscular Incapacitation (NMI) and the subject fell to the ground. The subject was placed in handcuffs without further incident. The officer and subject suffered no injuries.

The subject was transported to WCSD Jail on numerous felony and misdemeanor warrants and requested new charges of Resisting & Obstructing Police, False ID.

Respectfully submitted,

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Lt. Paul DeRidder

Cc: Memo book

City of Ypsilanti Summary vs State of Michigan

- Ypsilanti’s 2010 taxable value declined 10.9 percent. Michigan’s 2010 taxable value declined 6.6 percent. This was the second consecutive yearly drop and the largest since the inception of Proposal A when taxable value became the basis of the property tax.
- Ypsilanti’s total taxable value is \$330 million and below the 2006 level of \$396.1 million. Total taxable value is \$336.7 billion in 2010 and below the 2006 level of \$340.5 billion.
- State Equalized value (SEV) declined 14.1 percent in 2010. This is the third consecutive year where SEV fell. State equalized value (SEV) declined 9.2 percent in 2010. This was the third consecutive year where SEV fell.
- Ypsilanti’s Total SEV is \$353.3 million in 2010 and below the 2004 level of \$441.2 million. Total SEV is \$385.1 billion in 2010 and below the 2004 level of \$392.6 billion.
- Industrial real SEV declined 13.4 percent in 2010 while industrial real taxable value declined 11.6 percent. Of the major classes of property, industrial real fell the largest percentage for taxable value. Industrial real SEV declined 13.0 percent in 2010 while industrial real taxable value declined 10.4 percent. Of the major classes of property, industrial real fell the largest percentage for both SEV and taxable value.
- Residential real SEV declined 14.2 percent in 2010 while residential real taxable value declined 10.1 percent. Of the major classes of property, residential real fell the largest percentage for SEV. The largest classification of property, residential real taxable value decreased 36.4 million and is 220.9 million in 2010. Residential real SEV declined 10.6 percent while residential real taxable value fell 7.6 percent. The largest classification of property, residential real taxable value, decreased \$18.8 billion and is \$228.3 billion in 2010.
- Commercial real SEV declined 9 percent while commercial real taxable value decreased 6.2 percent. Commercial real SEV declined 6.0 percent while commercial real taxable value decreased 2.6 percent.
- Residential real taxable value is 93.5 percent of SEV, Industrial real taxable value is 98.6 percent of SEV and Commercial real taxable value is 90.9 percent of SEV. Residential real taxable value is 88.8 percent of SEV while industrial real taxable value is at 92.2 percent of SEV. In contract, agricultural real taxable value is only 50.4 percent of SEV.

<u>Classification</u>	<u>2009 SEV</u>	<u>2010 SEV</u>	<u>% Change</u>
Commercial Real	104,648,500	95,248,800	-8.98%
Industrial Real	18,505,600	16,022,200	-13.42%
Residential Real	257,416,898	220,941,495	-14.17%
<u>Total Personal</u>	<u>30,525,720</u>	<u>21,038,100</u>	<u>-31.08%</u>
Total Real & Personal SEV	411,096,718	353,250,595	-14.07%

<u>Classification</u>	<u>2009 Taxable</u> <u>Value</u>	<u>2010 Taxable</u> <u>Value</u>	<u>%</u> <u>Change</u>
Commercial Real	92,240,244	86,552,353	-6.17%
Industrial Real	17,870,328	15,790,419	-11.64%
Residential Real	229,839,619	206,612,337	-10.11%
<u>Total Personal</u>	<u>30,525,720</u>	<u>21,038,100</u>	<u>-31.08%</u>
Total Real & Personal Taxable Value	370,475,911	329,993,209	-10.93%