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**TO:** The Honorable Detroit City Council

**FROM:** David Whitaker, Director   
Legislative Policy Division Staff

**DATE:** September 12, 2019

**RE:** Secondary Street Sign Process

Council President Brenda Jones requested that the Legislative Policy Division (LPD) opine on the Administration's request to install secondary street signs in recognition of Anne Parsons, President and CEO of the Detroit Symphony Orchestra, given that the ordinance establishing a process for requesting secondary street naming was recently repealed by City Council.

The City has long addressed the process for establishing secondary street names in honor/memory of individuals of prominence through an ordinance in Chapter 50 of the Detroit City Code. The ordinance was intended to provide an orderly process to address requests initiated by citizens' petitions or directly by City Council. In recent years, requests for secondary street naming from members of the community have increased substantially, necessitating revision of the ordinance. To that end, the ordinance was repealed by Council last spring and a new ordinance is being drafted to replace it. Currently, no process for citizen initiated requests exists.

As discussed in LPD's July 1, 2019 memorandum to City Council, entitled *12<sup>th</sup> Street Secondary Street Naming*, the City's power to name and rename streets emanates from the Home Rule City Act (the Act), MCL 117.4h, which reads,

- Each city may in its charter provide:
- (1) For the use, regulation, improvement and control of the surface of its streets, alleys and public ways, and of the space above and beneath them;

- (2) For a plan of streets and alleys within and for a distance of not more than 3 miles beyond its limits;

LPD's July report explained further:

The Act states that the City may in its charter provide for the use, regulation, improvement and control of the surface, as well as for a plan of streets and alleys within its limits. This is a grant of authority to the City to provide in the charter the mechanism for carrying out these provisions. Pursuant to Section 117.4h, the City has exercised its grant of authority by enacting in its Charter, Article VII, Chapter 4, Public Works, Section 7-401, which provides in pertinent part:

The Department of Public Works shall:

- (3) Provide for the construction, maintenance, demolition and engineering design of streets, alleys and public building.

The City further exercises the authority granted by the Home Rule City Act, by implementing the City Code provisions under Article VII, *Opening, Closing, Extending, Widening, Vacating, Naming and Renaming Streets, and Assigning Secondary Names to Streets*; Division 2-*Renaming Streets*, setting for the requirements for renaming streets; and Division 3-*Secondary Naming of Streets*, setting forth the requirements for providing secondary names to streets.

Although the City exercised its authority under the Home Rule Act by adopting Charter provisions relative to control of streets, and an ordinance addressing **requests for secondary street naming by citizens**, the **absence** of such an ordinance is not fatal to the **Administration's own power** to propose naming, renaming, or secondary naming, subject to approval of City Council.<sup>1</sup> The Administration's authority is covered by the broad language of the Home Rule City Act and the Charter.

From a public policy standpoint, however, a secondary street naming effectuated by the Administration with the concurrence of City Council during a period when the ordinance has been essentially vacated and the process is being revamped, could appear as selective, preferential treatment afforded to some, and an end run around long-established City process. Although legally defensible, all efforts to put in place a fair process as established through traditional ordinance-making is, of course, the desired method, and the draft ordinance should be moved toward enactment expeditiously.

If the Honorable City Council should have any further questions or concerns regarding this subject, LPD will be happy to provide further research and analysis upon request.

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<sup>1</sup> In the case of the 12<sup>th</sup> Street secondary street naming request, the petition was initiated by the community (although supported by the Administration) while the ordinance was still in effect, and sought a renaming to commemorate an event rather than an individual, as required by the then applicable ordinance. LPD opined that City Council lacked the authority to grant the petition where the ordinance did not extend to events.