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TO: Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division

DATE: July 1, 2019

RE: 12th Street Secondary Street Naming

The Legislative Policy Division (LPD) has been requested to provide a report regarding the proposed resolution to provide a secondary street name for a segment of Rosa Parks Blvd., to 12th Street, which was its former name. LPD notes that the proposed resolution cites the Home Rules City Act as the grant of authority to City Council to issue the secondary street name, which creates a separate issue in and of itself.

LPD also notes that the reason for the request for 12th street to be added as a secondary street is based upon the unique history regarding the area. The segment of Rosa Parks Blvd of historic concern are the blocks between Grand Boulevard to Clairmount. While the area has a distinct history dating back to the 1930's, its national and internationally known history relates to the area being the epicenter of the 1967 uprising (or riots). Although the name has been changed to honor the late civil rights icon, the community and many Detroiter's would like to have a way of recognizing the historic event that occurred in 1967, by requesting the secondary street name of 12th Street be restored.

The primary issue addressed in this report is not whether the secondary name should be provided as a matter of public policy, but the process necessary to implement the policy should it be the desire of the City Council to do so.

As previously indicated, the proposed resolution provides that the City Council is acting under the authority granted under the Home Rule City Act (the Act). However, the provision of the Act addressing streets is under MCL 117.4h, provides in pertinent part:

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

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 buildings

The City further exercise 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 of Streets, and Assigning Secondary Names to Streets*. Division 2-*Renaming Streets*, setting forth the requirements for renaming streets; and Division 3-*Secondary Naming of Streets*, setting forth the requirements for providing secondary names to streets.

LPD notes that at the time the instant petition was filed regarding 12th street secondary street name, the ordinance language for secondary street names only applied to honorary signs for persons. The language did not provide a method for a non-person secondary street sign under Section 50-7-21(c), which stated:

A secondary street name designation may be sought to recognize a person who has achieved prominence as a result of his or her significant, position, contributions to the City of Detroit, State of Michigan, United States of America, or the international community.

The 12th Street secondary sign request did not comply with the ordinance. Since the initiation of the request the ordinance provision for secondary street name signage has been repealed. The ordinance provisions for secondary street names are currently being revisited. The language is being drafted by the Law Department for consideration by City Council. It is LPD's opinion that there is nothing in the Home Rule City Act that gives City Council the authority to simply grant by resolution a secondary street name, nor allow the City Council to bypass its own Charter and City Code provisions to provide a secondary street name.

Finally, in order for the 12th Street secondary street sign request to be approved, the revised secondary street name ordinance provision would have to include non-persons as an appropriate designee for secondary street signage.

If we can be of further assistance, please call upon us.