

Chapter 2

ADMINISTRATION¹

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ARTICLE I. IN GENERAL

Secs. 2-1 -- 2-15. Reserved.

¹ **Charter references**-Powers, § 2.2; elections, Ch. 3; organization of government, Ch. 4; administrative service, § 4.6; officers and personnel generally, Ch. 5; the council, Ch. 6; legislation, Ch.7.

Cross references-Any ordinance prescribing the number, classification or compensation of any city officers or employees save from repeal, § 1-4(10); court, Ch. 8; elections, Ch. 9; licenses, Ch. 13; offenses against public administration, § 16-26 et seq.; special assessments, Ch. 20; utilities, Ch. 23.

ARTICLE II. ADMINISTRATIVE SERVICE²

DIVISION 1. GENERALLY

Sec. 2-16. Supervision by Manager; Enumeration of Offices and Departments.

The administrative service of the City shall be under the supervision and direction of the City Manager, except as otherwise provided by the Charter, and shall be divided into the following offices and departments, each of which shall be the responsibility of and under the control of a head as listed opposite such office or department:

<i>Office or Department</i>	<i>Head</i>
Office of Clerk	City Clerk
Office of Comptroller	City Comptroller
Office of Assessor	City Assessor
Office of Treasurer	City Treasurer
Department of Health	Health Officer
Department of Police	Police Chief
Department of Fire	Fire Chief
Department of Public Safety	Director of Public Safety
Department of Public Service	Director of Public Service
Department of Personnel	Director of Personnel
Department of Law	City Attorney

(Code 1957, § 1.50; Ord. No. 34, § 1, 5-1-68; Ord. No. 44, § 1, 3-15-70)

Sec. 2-17. Responsibility Over Department Heads.

All department heads, other than the Comptroller and the attorney, are responsible to the Manager for the effective administration of their respective departments and all activities assigned to them. As to these department heads, the Manager may set aside any action by them taken and may supersede them in the functions of their respective offices.

(Code 1957, § 1.126)

Sec. 2-18. Interim or Acting Department Heads.

In case of a vacancy in office or during the absence of any department head, the Manager may designate an interim acting head or perform personally the functions of the office.

(Code 1957, § 1.127)

Sec. 2-19. Department Heads to be Informed of Latest Practices.

All department heads shall keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the Manager, such new practices as appear to be of benefit to the service and to the public.

²Charter reference-Administrative service, § 4.6.

(Code 1957, § 1.127)

Sec. 2-20. Delegation of Duties.

The Manager may direct any department, division or bureau responsible to him to perform the work for any other department, division or bureau, or may delegate to any officer or employee any duties other than those established for the department, division or bureau to which he may be assigned.

(Code 1957, § 1.128)

Sec. 2-21. Reports and Records.

(a) Reports of the activities of each department responsible to the Manager shall be made to the Manager at the end of each month, and an annual report shall also be filed with the Manager within sixty (60) days after the end of each fiscal year. A summary of all such reports shall be made by the Manager and submitted to the Council. Each department head shall establish a system of records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the Manager. The Manager shall submit a written report to the Council as soon as possible after the close of each month, showing the operation and expenditures of each department for the preceding month and a comparison of such monthly expenditures, by departments, with the monthly allowances made for such departments in the annual budget. He shall keep the Council fully advised at all times as to the financial condition and needs of the city.

(b) Each department head shall be held responsible for the preservation of all public records under his jurisdiction and shall provide a system of filing and indexing the same. No public records, reports, correspondence or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the Manager.

(Code 1957, §§ 1.129 -- 1.130)

Sec. 2-22. Payment of Moneys.

All moneys belonging to the city shall be paid out as authorized by the Charter or action of the Council.

(Code 1957, § 1.131)

Sec. 2-23. Approval of Legal Documents.

The Mayor shall sign, the City Clerk shall attest to, the City Manager shall approve as to substance, and the City Attorney shall approve as to form, all legal instruments requiring the assent of the city, unless otherwise provided for by law, the Charter, ordinance or the provisions of this Code.

(Code 1957, § 1.132)

Sec. 2-24. Bonds.

Surety bonds, conditioned as required by Section 5.7 of the Charter, shall be filed by the following officers of the city in not less than the amounts indicated: Treasurer one hundred thousand dollars (\$100,000.00); Comptroller, fifty thousand dollars (\$50,000.00); Deputy Treasurer, twenty-five thousand dollars (\$25,000.00); Municipal Judge, one thousand dollars (\$1,000.00) to city, one thousand dollars (\$1,000.00) to county; all other officers of city and employees blanket bond, ten thousand dollars (\$10,000.00).
(Code 1957, § 1.133)

Sec. 2-25. Publication of Rules and Regulations.

All rules and regulations made by the administrative officers which are subject to approval by the City Council under the provisions of this Code, after such approval is given, and all rules and regulations adopted by the Council on its own initiative, shall be published in the manner provided in the Charter for the publication of city ordinances. Copies of all such rules and regulations shall be kept in the office of the Clerk for public inspection and distribution.
(Code 1957, § 1.12)

Sec. 2-26. -- 2-35. Reserved.

DIVISION 2. CITY MANAGER³

Sec. 2-36. Responsibility.

The City Manager shall be responsible to the Council for the efficient administration of all administrative departments of the city government and shall see that all laws, ordinances, rules, regulations adopted by the Council, and the provisions of this Code, are properly enforced.
(Code 1957, § 1.124)

Sec. 2-37. Attendance at Council meetings.

The City Manager shall attend all meetings of the Council, regular and special.
(Code 1957, § 1.124)

Sec. 2-38. -- 2-45. Reserved.

DIVISION 3. OFFICE OF CLERK⁴

Sec. 2-46. City Clerk as Head.

The office of clerk shall be headed by the City Clerk.
(Code 1957, § 1.55)

³ Charter reference-City Manager, § 4.7 et seq.

⁴ Charter reference-Functions and duties of clerk, § 4.12.

Sec. 2-47. Clerk of the Council.

The City Clerk shall serve as clerk of the Council and perform such other duties for the Council as may be required by it. He shall be responsible for the publication, filing, indexing and safe keeping of all proceedings of the Council.

(Code 1957, § 1.55)

Sec. 2-48. Election Records.

The City Clerk shall keep and maintain all election records and have custody of all property used in connection with elections.

(Code 1957, § 1.56)

Cross reference-Elections generally, Ch. 9.

Sec. 2-49. Other Duties.

The City Clerk shall publish all legal notices unless otherwise provided; file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere; be the custodian of the official seal; and notify the appointing authority of any board or commission thirty (30) days prior to the expiration of the term of office of any member thereof.

(Code 1957, § 1.57)

Sec. 2-50. -- 2-55. Reserved.

DIVISION 4. OFFICE OF COMPTROLLER⁵

Sec. 2-56. Comptroller as Head.

The office of comptroller shall be headed by the City Comptroller.

(Code 1957, § 1.58)

Sec. 2-57. Duties.

(a) The Comptroller shall have general supervision over the financial affairs of the city. He shall be responsible for the proper pre-audit and recording of all financial transactions. He shall establish and maintain a system of accounts for the city and shall prescribe the system and method of bookkeeping for any city office or department which he may require to keep such records. He shall maintain an inventory of all property belonging to the city, file all insurance policies placed on such property, and shall present to the Council monthly financial reports showing in detail the financial condition of the city. He shall also act as real estate agent and supervise the lease, rental or use and the maintenance of all city real estate not used by other offices or departments.

(b) The Comptroller, as head of his administrative department, is responsible directly to the Council for the performance of the duties and functions of his office set forth in the Charter. In addition to the duties prescribed by the Charter, the Comptroller shall perform such other

⁵ Charter reference-Functions and duties of comptroller, § 4.11.

duties as may be prescribed by the City Manager, not inconsistent with his Charter duties and functions. He shall carry out such other duties in the manner requested by the City Manager. Should the directions of the Manager make it impossible for the Comptroller to properly perform any duty imposed upon him by Charter or state law, he shall file his objections hereto in writing with the Manager who shall either revise his instructions accordingly or shall forward such objections, together with his recommendations, to the Council. The Council shall thereupon direct what action shall be taken in the matter. Until superseded by Council action, the requests of the Manager shall be binding on the Comptroller.
(Code 1957, § 1.58, 1.125)

Sec. 2-58. -- 2-65. Reserved.

DIVISION 5. OFFICE OF ASSESSOR⁶

Sec. 2-66. Assessor as Head.

The office of assessor shall be headed by the City Assessor.
(Code 1957, § 1.59)

Sec. 2-67. Duties.

It shall be the duty of the City Assessor to perform all work in connection with the assessing of property and the preparation of all assessment and tax rolls and tax notices.
(Code 1957, § 1.59)

Sec. 2-68. -- 2-75. Reserved.

DIVISION 6. OFFICE OF TREASURER⁷

Sec. 2-76. Treasurer as Head.

The office of treasurer shall be headed by the City Treasurer.
(Code 1957, § 1.60)

Sec. 2-77. Duties.

It shall be the duty of the City Treasurer to collect all bills, either for taxes or for services rendered by the city. He shall also receive all other moneys due or coming to the city. All moneys received by the City Treasurer shall be deposited daily in the official depository, from time to time designated by the Council to the credit of the city, and shall be recorded on the date received and accounted for to the Comptroller immediately thereafter.
(Code 1957, § 1.60)

Sec. 2-78. -- 2-85. Reserved.

⁶ Charter reference-Functions and duties of assessor, § 4.14.

⁷ Charter reference-Functions and duties of treasurer, § 4.13.

DIVISION 7. DEPARTMENT OF HEALTH⁸

Sec. 2-86. Functions Performed by County.

The functions of the department of health of the city shall be performed by the County Health Department under the supervision of the City Manager. The city shall enter into such agreements with the County Health Department as may be necessary to insure the fulfillment of the functions of the city health department, as hereinafter set forth, and in order that the county may be properly compensated for the services of its employees in fulfilling such functions. The Director of the County Health Department shall be deemed the City Health Officer and shall have all powers accorded such office by the statutes of the state, the Charter of the city, or provisions of this Code relating to the public health.

(Code 1957, § 1.65)

Sec. 2-87. Communicable Disease Control.

The Department of Health shall be responsible for the adoption of such measures as will prevent the spread or aid in the prevention of communicable diseases. The director of the county Department of Health, or his duly authorized representative, shall exercise the power of quarantine and detention within the city.

(Code 1957, § 1.66)

Sec. 2-88. Sanitation.

The Department of Health shall be responsible for the inspection and supervision of the preparation, manufacture, storage and sale of all articles and commodities intended for human consumption and the regulation of all matters pertaining to sanitary conditions affecting the public health.

(Code 1957, § 1.67)

Sec. 2-89. -- 2-95. Reserved.

DIVISION 8. DEPARTMENT OF PUBLIC SAFETY

Sec. 2-96. Director of Public Safety as Head.

The Department of Public Safety shall be headed by the Director of Public Safety who shall be an administrative officer of the city, and the offices of Police Chief and Fire Chief are combined in the office of Director of Public Safety.

(Ord. No. 34, § 2, 5-1-68; Ord. No. 44, § 2, 3-15-70; Ord. No. 124, § 1, 7-1-86).

Sec. 2-97. Functions and Duties.

All references in the Grosse Pointe Park City Code and Charter: (1) to the Police Chief or Fire Chief, or substantially equivalent terms, shall be deemed references to the Director of Public

⁸ State law reference-Local health departments, MCL §333.2401 et seq., MSA §14.15(2401) et seq.

Safety; (2) to the Department of Police or Department of Fire, or substantially equivalent terms, shall be deemed references to the Department of Public Safety; and (3) to the police officers or fire fighters, or substantially equivalent terms, shall be deemed references to public safety officers who work under the direction of the Director of Public Safety. Public safety officers shall perform such duties as are assigned to them by the Director of Public Safety.
(Ord. No. 124, § 2, 7-1-86)

Sec. 2-98. -- 2-105. Reserved.

DIVISION 9. DEPARTMENT OF POLICE

Sec. 2-106. Police Chief as Head; Duties.

The Department of Police shall be headed by the Police Chief, who shall be the commanding officer of the police force. He shall direct the police work of the city and be responsible for the enforcement of law and order.
(Code 1957, § 1.70)

Sec. 2-107. Functions

The police work of the city shall consist of the following functions:

- (1) The operation of motor and foot patrol units for routine investigations and the general maintenance of law and order;
- (2) The maintenance of the central complaint desk at central police headquarters in the city hall, the maintaining and supervising of police records, criminal and noncriminal identification, property identification, custody of property and the operation of detention quarters;
- (3) The investigation of crimes, elimination of illegal liquor traffic and vice, and the preparation of evidence for the prosecution of criminal cases and offenses in violation of this Code;
- (4) The prevention and control of juvenile delinquency, the handling of cases in which women are involved, the removal of crime hazards and the coordination of community agencies interested in crime prevention;
- (5) The control of traffic, traffic educational programs, school patrols, coordination of traffic violation prosecutions, issuance of operators' licenses, and the maintenance and erection of traffic signs and the painting of street and crosswalk lanes.

(Code 1957, § 1.71)

Sec. 2-108. Departmental Rules.

The Chief of Police may prescribe rules for the government of police officers of the city, subject to approval by the City Manager, which shall be entered in a book of Department of Police rules and orders and may be amended or revoked by the Police Chief upon written notice

to the City Manager. Such rules may establish one or more divisions within the Department of Police, each of which divisions may be charged with performing one or more of the functions of the Department of Police enumerated in Section 2-107. Any such divisions shall be supervised by a commissioned officer of the Department of Police, who shall be responsible for the particular functions of the Department of Police assigned to the particular division supervised by him. It shall be the duty of all members of the police force to comply with such rules and orders while effective.

(Code 1957, § 1.72)

Sec. 2-109. Acting Chief.

In case of the absence from the city of the Police Chief, or his disability, or inability from any cause, to act as Police Chief, the City Manager shall designate and appoint some other member of the Department of Police to act as chief during such absence or disability.

(Code 1957, § 1.73)

Sec. 2-110. Lost Property.

The Department of Police shall accept custody of lost articles having a value of five dollars (\$5.00) or more, delivered to them and the department shall maintain a record of each such article, giving its description, the time and place found and the name and address of the finder. Any such article held by the department for six (6) months or longer, during which period the same is not claimed by the owner, shall be sold at public auction and the proceeds, less the expenses of storage and sale, shall be deposited with the Treasurer. Prior to sale of any article a notice of such sale shall be published in a newspaper of general circulation in the city once a week for three (3) successive weeks. Such notice shall describe the article or articles to be sold and shall specify the time and place at which the same shall be sold unless claimed by the owner or owners thereof prior thereto. No such article shall be sold earlier than one month subsequent to the first publication of such notice of sale.

(Code 1957, § 1.74)

Sec. 2-111. -- 2-116. Reserved.

DIVISION 10. DEPARTMENT OF FIRE⁹

Sec. 2-117. Fire Chief as Head; Duties.

The Department of Fire shall be headed by the Fire Chief, and shall be charged with the prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards, the performance of other public services of an emergency nature assigned to it, and the conducting of an educational fire prevention program.

(Code 1957, § 1.80)

⁹ Cross reference-Fire prevention and protection. Ch. 10.

Sec. 2-118. Fire Prevention Duties.

The Department of Fire shall be responsible for the inspecting of potential fire hazards, and the abatement of existing fire hazards, in accordance with the provisions of Chapter 10.
(Code 1957, § 1.81)

Sec. 2-119. Departmental Rules.

The Fire Chief shall adopt rules and regulations for the government of the Department of Fire, subject to the approval of the City Manager, which shall be entered in a book of department of fire rules and orders, and may be changed or repealed by the Fire Chief upon notice to and approval by the City Manager. Such rules and regulations shall designate the chain of command for the department, so that in the absence or disability of the Fire Chief, the responsibility for the operation of the department shall immediately and automatically be vested in the next ranking officer or member of the department.
(Code 1957, § 1.82)

Sec. 2-120. Equipment.

The Fire Chief shall be responsible for the maintenance and care of all property and equipment used by the Department of Fire.
(Code 1957, § 1.83)

Sec. 2-121. -- 2-130. Reserved.

DIVISION 11. DEPARTMENT OF PUBLIC SERVICE

Sec. 2-131. Director of Public Service as Head; Duties.

The Department of Public Service shall be headed by the Director of Public Service who shall be a competent civil engineer experienced in municipal engineering works. He shall be responsible for all matters relating to construction, management, maintenance and operation of all the physical properties of the city, except as provided elsewhere in this Code. He shall also be responsible for planning in connection with such changes or improvements to the physical properties of the city as are consistent with and necessary to the future growth and development of the city.
(Code 1957, § 1.87)

Sec. 2-132. Specific Functions.

The Department of Public Service shall have the following specific functions:

- (1) It shall perform all engineering services for the department and for such other departments of the city as may require such services.
- (2) It shall be responsible for the issuance of all permits and the inspection of all work involved in the construction of sewer and water services, sidewalks, curb cuts, street openings and the inspection of all work done under the provisions of

the electrical, plumbing and building codes of the city and the safety inspection of all premises, including structures thereon.

- (3) It shall have charge of the construction, operation and maintenance of the city sewage system. It shall have charge of the maintenance of all improved and unimproved street surfaces, the cleaning of improved streets, the removal of snow, the construction and maintenance of sidewalks and bridges, the operation of city dumps and the operation of the garbage and rubbish collection and disposal service of the city.
- (4) It shall be responsible for the construction, operation and maintenance of city water mains and connections and other facilities pertaining to the water distribution system. It shall have charge of the pumping of water into and through the city water distributions system. It shall have charge of the construction, operation and maintenance of city water mains and connections and other facilities pertaining to the water distribution system.
- (5) It shall be responsible for the construction, management, maintenance and operation of the city electrical power distribution system, and for the furnishing of electric power to the city for municipal purposes.
- (6) It shall have charge of the control and regulation of the planting of trees, and of the planning, development, maintenance, management and operation of parks, boulevards, cemeteries, municipal parking lots, markets and recreation facilities.

(Code 1957, § 1.88)

Sec. 2-133. Division of Recreation.

The Division of Recreation shall be a division of the Department of Public Service supervised by a Director of Recreation, who shall be in charge of the recreational use of city recreation areas and facilities.

(Code 1957, § 1.89)

Sec. 2-134. -- 2-140. Reserved.

DIVISION 12. DEPARTMENT OF PERSONNEL

Sec. 2-141. Director of Personnel as Head; Duties.

The Department of Personnel shall be headed by the Director of Personnel who shall be the City Manager. The Director of Personnel shall be the executive officer of the Department of Personnel and shall initiate and direct its administrative work and be responsible for all clerical matters in connection with the work of the department. He shall further be responsible for the management of the personnel program in accordance with personnel regulations established by the Department of Personnel in accordance with the provisions of the Charter.

(Code 1957, § 1.92)

Sec. 2-142. Merit System Rules.

The Department of Personnel shall establish merit system rules, not inconsistent with this Code or with the Charter, for the handling of personnel matters. Such rules shall at least include the following:

- (1) Policies and practices governing permanent, probationary, temporary and emergency appointments to positions under the merit system and promotion therein;
- (2) Establishment of employment and reemployment lists, and the canceling and combining of employment and reemployment lists;
- (3) In all cases of original employment or promotion, and in such cases of reemployment as seen fit, the conducting of examinations and the rating of training and experience and the certifying of three (3) candidates standing highest in such examination and rating, combined, specifically providing that the final selection of those certified shall be made by the department head;
- (4) Principles to be followed in selecting the employee or employees to be laid off when necessary on account of change in the duties or organization of a department, or a shortage or stoppage of work or funds.

(Code 1957, § 1.93)

Sec. 2-143. -- 2-150. Reserved.

DIVISION 13. DEPARTMENT OF LAW

Sec. 2-151. City Attorney as Head; Duties.

The Department of Law shall be headed by the City Attorney who shall be vested with the powers and duties prescribed by Section 4.15 of the Charter and shall be responsible solely to the Council. He shall cooperate with the City Manager and other officers of the city. He shall represent the city in all matters in which the city is interested coming before any court or tribunal, and shall perform such other duties as may be required by the Council. He shall be charged with the responsibility for calling to the attention of the City Council and the Manager, all matters of law affecting the city.

(Code 1957, § 1.96)

Sec. 2-152. Attorney Compensation.

The compensation set by the Council for the Attorney for the normal duties of the office shall be deemed a salary for budgetary purposes. Extra compensation may be paid to the Attorney in accordance with Section 4.16 of the Charter.

(Code 1957, § 1.97)

Sec. 2-169. -- 2-165. Reserved.

ARTICLE III. BOARDS AND COMMISSIONS¹⁰

DIVISION 1. GENERALLY

Sec. 2-166. Continuation.

All boards and commissions existing at the time of the adoption of this Code, shall be continued and the members serving thereon shall remain in office for the duration of the term for which they were appointed.

(Code 1957, § 1.100)

Sec. 2-167. Compensation.

Unless otherwise provided, all members of boards and commissions shall serve without compensation as members thereof.

(Code 1957, § 1.103)

Sec. 2-168. Removal of members.

The appointing authority may remove any member of any board or commission for cause.

(Code 1957, § 1.102)

Sec. 2-169. -- 2-175 Reserved.

DIVISION 2. CITY PLAN COMMISSION¹¹

Sec. 2-176. Created.

The City Plan Commission, having been created for the city in accordance with the provisions of Act 285, Public Acts of Michigan, 1931 [MCL 125.31 et seq., MSA 5.2991 et seq.], is hereby continued.

(Code 1957, § 1.107)

Sec. 2-177. Membership.

The City Plan Commission shall consist of nine (9) members, six (6) of whom shall be representative, insofar as possible, of different professions or occupations, and shall be appointed by the Mayor subject to approval by the Council. Three (3) members shall be ex-officio members, namely: the Mayor, an administrative officer of the city selected by the Mayor, and one Councilman selected by the Council. All members shall serve for a term of three (3) years, except that the terms of ex-officio members shall correspond to their respective official tenures.

(Code 1957, § 1.108)

¹⁰ **Charter references**-Independent boards, § 4.19; vacancies in appointment of boards and commissions, § 16.4.

¹¹ **Charter reference**-Planning commission, § 4.17.

State law reference-Authority to create a city plan commission, MCL § 125.32, MSA § 5.2992.

Sec. 2-178. Qualification of Members.

No member of the Plan Commission, other than an ex-officio member, shall hold any other office or position with the city.
(Code 1957, § 1.109)

Sec. 2-179. Powers and Duties.

The Plan Commission is hereby vested with all powers and duties conferred upon it by law or by Charter or this Code.
(Code 1957, § 1.110)

Sec. 2-180. -- 2-190. Reserved.

DIVISION 3. BOARD OF ZONING APPEALS¹²

Sec. 2-191. Created.

The Board of Zoning Appeals for the City, having been created in accordance with Act 207, Public Acts of Michigan, 1921 [MCL 125.581 et seq., MSA 5.2931 et seq.], is hereby continued.
(Code 1957, § 1.114)

Sec. 2-192. Membership.

The Council shall be the Board of Zoning Appeals.
(Code 1957, § 1.115)

Sec. 2-193. Powers and Duties.

In addition to the general duties and powers conferred upon it by law, the Board of Zoning Appeals may exercise such powers as are conferred on it by Charter, the ordinances or this Code.
(Code 1957, § 1.114)

Sec. 2-194. -- 2-200. Reserved.

DIVISION 4. MERIT SYSTEM BOARD¹³

Sec. 2-201. Membership.

The Merit System Board established by Section 5.13 of the Charter shall consist of five (5) electors having the qualifications required by the Charter. Two (2) four (4) year term members shall be appointed by the Mayor with the confirmation of the Council in November of each even-numbered year, one of which appointees shall be nominated by the full time, regular employees of the city within the merit system. One (1) two (2) year term member of the board shall be

¹² Cross reference-Zoning, App. B.

¹³ Charter reference-Merit system, § 5.13.

nominated by the four (4) four (4) year term members, and shall be appointed by the Mayor with the confirmation of the Council in November of each odd-numbered year.
(Code 1957, § 1.116)

Sec. 2-202. Chairman.

The Chairman of the Merit System Board shall be selected by a majority of its members, shall serve as Chairman for the term of his office on the board, and shall have the right to initiate motions and vote on all matters.
(Code 1957, § 1.117)

Sec. 2-203. Rules of Procedure.

The Merit System Board shall adopt its own rules of procedure, including the time and place of its meetings and the method of calling the same.
(Code 1957, § 1.117)

Sec. 2-204. Powers and Duties.

The Merit System Board is vested with the general supervision of the broad problems of administrative policy in relation to the merit system, but shall deal with such problems through the Director of Personnel.
(Code 1957, § 1.117)

Sec. 2-205. Annual Report.

The Merit System Board shall make a report of its proceedings annually to the City Council.
(Code 1957, § 1.117)

Sec. 2-206. -- 2-215. Reserved.

ARTICLE IV. EMPLOYEE MERIT SYSTEM¹⁴

Sec. 2-216. Scope.

- (a) There shall be for the employees of the city:
 - (1) A single system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, layoff, discharge and disciplining of employees;
 - (2) A systematic salary and wage plan; and
 - (3) An employee classification plan based on the duties, authorities and responsibilities of positions.

¹⁴ Charter reference-Merit system, § 5.13.

(b) The foregoing, herein referred to as the merit system, shall be carried out, conformably to the provisions of Section 5.13 of the Charter and the provisions of this Code, by the Merit System Board and the City Manager acting as Director of Personnel (in this article referred to, respectively, as the Board and Director and, collectively, as the Department of Personnel).
(Code 1957, § 1.140)

Sec. 2-217. Employees Affected.

(a) All employees of the city shall be included in a single merit system, excepting:

- (1) Elective officers;
- (2) Members of boards or commissions created by, or pursuant to, the Charter;
- (3) The City Manager;
- (4) The heads of departments of the city;
- (5) Part-time employees (namely, employees regularly scheduled to work less than twenty (20) hours per week) and temporary employees (namely, employees regularly scheduled to work less than six (6) months in a calendar year);
- (6) Technical consultants.

(b) The term “employees” as used in this article means only those persons included in the single merit system. In the single merit system appropriate departmental divisions may be made to accommodate problems peculiar to the police, fire or other departments and special merit system rules may be made applicable to any such department.
(Code 1957, § 1.141)

Sec. 2-218. Anti-Discrimination.

No applicant for, or employees in, a position included in the merit system shall be in any way discriminated against, or in favor of, for reasons of religion, race, color, national origin, age, sex, height, weight or marital status.
(Code 1957, § 1.142)

Sec. 2-219. Department Regulations.

The head of each department, with the approval of the director, shall have the power to make departmental regulations for carrying on the work of such department, and such regulations shall become effective upon posting on the bulletin board of the department. Except for insubordination or other grave reason, no employee shall be disciplined unless he has violated a regulation so made. In hearing any grievance, the board shall give full effect to such departmental regulations unless the same shall be unreasonable or inconsistent with the rules of the board.
(Code 1957, § 1.144)

Sec. 2-220. Disciplinary Action.

The head of each department shall have, for purposes of discipline, the power to discharge, demote, suspend, cancel leave or vacation days of, or otherwise discipline employees in his department, except that employee may not be suspended for more than fifteen (15) days at anyone time, and no series of suspensions, or cancellation of leave or vacation days shall have the effect of making the total time during which an employee is suspended without pay during the calendar year greater than thirty (30) days, and instead the employee shall be dismissed. No such disciplinary action shall be taken except for cause, and in every such case the department head, within twenty-four (24) hours after the action takes effect, shall give to the employee and file with the director and the City Clerk a written statement of the action taken and the cause therefore. In each case the affected employee shall have the right to review by the board under Section 2-223. In reviewing any such disciplinary action, the board shall sustain the department head if it finds that the cause existed as assigned and that in the light of the cause assigned and the previous record of the employee, the disciplinary action was taken in good faith and was appropriate. Where the department head is not sustained, or is sustained in part only, the board in its decision may revoke or modify the disciplinary action, and may require payment of wages lost during suspension in excess of ten (10) days.
(Code 1957, § 1.145)

Sec. 2-221. Inability to Perform Work Assigned.

The head of each department may dismiss or demote an employee in his department on account of physical or mental disability or general incompetence or unfitness for duty. Before the effective date of such dismissal or demotion, the department head shall give the employee and file with the director and the City Clerk a written statement of his action taken and the reason therefore. In any such case the affected employee shall have a right to review by the board under Section 2-223 and in such review the board shall sustain the department head if it finds the reason assigned existed in fact.
(Code 1957, § 1.146)

Sec. 2-222. Lay-offs.

The head of a department shall have the power to lay off an employee whenever he considers it necessary on account of change in the duties or organization of the department, or shortage or stoppage of work or funds. An employee laid off shall have a right to review by the board under Section 2-223, and in such review the board shall sustain the department head if it finds the lay-off was made in good faith and in accordance with any lay-off rules adopted by the board.
(Code 1957, § 1.147)

Sec. 2-223. Appeals to Merit Board.

Any employee considering himself aggrieved by any disciplinary action under Section 2-220, by any dismissal or demotion under Section 2-221, or by any lay-off under Section 2-222, may within ten (10) days after such action, demand a hearing thereon before the board by filing with the City Clerk within such ten (10) day period a written statement of his grievance. Following

the filing of any such grievance, the board shall convene as soon as may be possible and shall grant the aggrieved employee a fair and impartial hearing with respect to the matter complained of. At such hearing, the employee shall have the right to be heard, to call witnesses, and to be assisted by counsel, and the department head shall be afforded an opportunity, and shall have the burden of, justifying the action taken by him. In connection with any such hearing a majority of the board shall be a quorum. The board shall have the power to summon witnesses, to administer oaths, to compel the attendance of witnesses, books, papers and other evidence and to adjourn from time to time; and all the provisions of Section 6.9 of the Charter shall be applicable. Following such hearing, the board shall file with the City Clerk a written report and decision in the matter. The decision of a majority of the board hearing the matter shall be final and not reviewable by any court and shall be binding upon the employee and the city alike and no officer of the city nor the Council shall have any power to alter it.
(Code 1957, § 1.148)

Sec. 2-224. Temporary and Emergency Appointees and Probationers.

(a) Notwithstanding any other provisions hereof, the department head may, in his sole discretion and without assigning cause or reason:

- (1) Dismiss any person holding a temporary or emergency position;
- (2) Dismiss any probationary employee; and
- (3) Demote to his former position any employee promoted on probation.

(b) The board shall have no right to review any such action. The department head shall give to the probationer and file with the director and the City Clerk a written notice of such dismissal or demotion.

(Code 1957, § 1.149)

Sec. 2-225. Investigations.

The board, on its own motion or on request of the City Council, shall make investigations concerning any matter touching on the administration of the merit system in the city and to this end may hold hearings and shall have the same hearing powers as are conferred upon it in Section 2-223.

(Code 1957, § 1.150)

Sec. 2-226. -- 2-235. Reserved.

ARTICLE V. FINANCE¹⁵

DIVISION 1. GENERALLY

Sec. 2-236. Budget Stabilization Fund.

A budget stabilization fund is hereby created. Monies for the budget stabilization fund shall be appropriated annually by resolution of the City Council in accordance with the provisions of Act No. 30 of the Michigan Public Acts of 1978 [MCL 141.441 et seq., MSA 5.3230(1) et seq.]. No taxes shall be imposed to produce revenue in excess of that needed in the estimated budget of the City of Grosse Pointe Park in order to provide money for the budget stability fund. The amount of money to be appropriated to the fund, the investments of the fund, and the purposes for which the money in the fund may be appropriated, shall be determined in accordance with the provisions of Act No. 30 of the Michigan Public Acts of 1978.
(Ord. No. 90, § 1, 6-1-81)

Sec. 2-237. -- 2-245. Reserved.

DIVISION 2. PURCHASING, CONTRACTING AND SELLING PROCEDURE

Sec. 2-246. Purchasing Agent.

The Manager shall act as purchasing agent of the city, unless he shall designate another officer or employee of the city to act as purchasing agent. Any such designation shall be in writing filed with the Clerk. In the event of such designation, every purchase order in excess of one hundred dollars (\$100.00) shall be approved by the Manager before being issued. The Manager shall adopt any necessary rules respecting requisitions and purchase orders.
(Code 1957, § 1.210)

Sec. 2-247. Purchases or Contracts of Five Thousand Dollars or Less.

Purchases of supplies, materials or equipment, the cost of which is five thousand dollars (\$5,000.00) or less, may be made in the open market but such purchases shall, when practicable, be based on at least three (3) competitive bids and shall be awarded to the lowest competent bidder. The purchasing agent may solicit bids verbally or by telephone, or may contact prospective bidders by written communication. Where bids are solicited by written communication, a request for such bids shall also be posted in City Hall. A record shall be kept for six (6) months of all open market orders and the bids submitted thereon, which records shall be available for public inspection. Any or all bids may be rejected.
(Code 1957, § 1.211; Ord. No. 115, § 1, 9-25-85)

¹⁵ **Charter references**-General finance, Ch. 8; taxation, Ch. 9; borrowing power, Ch. 10; special assessments, Ch. 11.

Cross references-Any ordinance promising or guaranteeing the payment of money, for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligations assumed by the city save from repeal, § 1-4(1); any ordinance making any appropriations save from repeal, § 1-4 (4); any ordinance levying or imposing taxes save from repeal, § 1-4(5).

State law reference-Municipal finance act, MCL § 131.1 et seq., MSA § 5.3188(1) et seq.

Sec. 2-248. Purchases or Contracts Over Five Thousand Dollars.

Any expenditure for supplies, materials, equipment, construction project or contract obligating the city, where the amount of the city's obligation is in excess of five thousand dollars (\$5,000.00), shall be governed by the following provisions:

- (1) Such expenditure shall be made the subject of a written contract. A purchase order shall be a sufficient written contract only in cases where the expenditure is in the usual and ordinary course of the city's affairs and in no case shall it be sufficient for the construction of public works or the contracting for supplies or services over any period of time or where the quality of the goods or materials or the scope of the services bargained for is not wholly standardized.
- (2) A brief notice inviting sealed competitive bids shall be published in one or more newspapers of general circulation in the city at least five (5) days before the final date for submitting bids thereon.
- (3) The purchasing agent shall also solicit bids from a reasonable number of such qualified prospective bidders as are known to him by sending each a copy of the notice requesting bids and notice thereof shall be posted in the city hall.
- (4) Unless prescribed by the Council, the Manager shall prescribe the amount of any security to be deposited with any bid which deposit shall be in the form of cash, certified or cashier's check or bond written by a surety company authorized to do business in the state. The amount of such security shall be expressed in terms of percentage of the bid submitted. Unless fixed by the Council, the Manager shall fix the amount of the performance bond and in the case of construction contracts, the amount of the labor and material bond to be required of the successful bidders.
- (5) Bids shall be opened in public at the time and place designated in the notice requesting bids in the presence of the Manager, the City Clerk, or the Comptroller and at least one other city official, preferably the head of the department most closely concerned with the subject of the contract. The bids shall thereupon be carefully examined and tabulated and reported to the Council with the recommendation of the purchasing agent (as approved by the Manager if the Manager is not acting as purchasing agent) at the next Council meeting. After tabulation, all bids may be inspected by the competing bidders.
- (6) When such bids are submitted to the Council, the contract to be executed, in a form approved by the City Attorney, shall also be submitted and if the Council shall find any of the bids to be satisfactory, it shall award the contract to the lowest competent bidder and shall authorize execution of the contract upon execution of the contract by the successful bidder and the filing of any bonds which may have been required, which bonds shall first be approved by the City Attorney as to form and content. Such award may be by resolution or ordinance. The Council shall have the right to reject any or all bids and to waive

irregularities in bidding and to accept bids which do not conform in every respect to the bidding requirements.

- (7) At the time the contract is executed by him, the contractor shall file a bond executed by a surety company authorized to do business in the state, to the city, conditioned upon the performance of said contract and saving the city harmless from all losses or damage caused to any person or property by reason of any carelessness or negligence by the contractor and from all expense of inspection, engineering and otherwise, caused by the delay in the completion of any improvement and further conditioned to pay all laborers, mechanics, subcontractors and material men as well as all just debts, dues and demands incurred in the performance of such work. All bids, deposits of cash or certified or cashier's checks may be retained until the contract is awarded and signed. If any successful bidder fails or refuses to enter into the contract awarded to him within five (5) days after the same has been awarded, or file any bond required within the same time, the deposit accompanying his bid shall be forfeited to the city, and the Council may, in its discretion, award the contract to the next lower competent bidder or the contract may be readvertised.

(Code 1957, § 1.212; Ord. No. 115, § 2, 9-25-85)

Sec. 2-249. Exception to Competitive Bidding.

In any case where competitive bidding clearly is not practical or where no advantage would result to the city to require competitive bidding, the Council, upon the written recommendation of the Manager, may by unanimous resolution of the members present at the meeting, authorize the execution of a contract without competitive bidding. In such cases the proposed contract shall be approved by the City Attorney as to form and content, unless prepared by him by direction of the Council, and submitted to the Council.

(Code 1957, § 1.213)

Sec. 2-250. Emergency Purchases.

In case of emergency, any department head, with the approval of the Manager, may purchase directly any supplies, materials or equipment, the immediate procurement of which is necessary to the continuation of the work of the department. Such purchases and the emergency causing them shall be reported in detail to the purchasing agent within a week from the time when made and such reports shall be preserved by the purchasing agent for a period of two (2) years.

(Code 1957, § 1.214)

Sec. 2-251. Inspection of Materials.

The responsibility for the inspection and acceptance of all materials, supplies and equipment shall rest with the ordering department.

(Code 1957, § 1.215)

Sec. 2-252. Sale of Property.

Whenever any city property, real or personal, is no longer needed for corporate or public purchases, the same may be offered for sale. Personal property not exceeding five thousand dollars (\$5,000.00) in value may be sold for cash by the purchasing agent, upon approval of the City Manager, after receiving quotations or competitive bids therefore for the best price obtainable. Property with a value in excess of five thousand dollars (\$5,000.00) may be sold after advertising and receiving competitive bids, as provided in Section 2-248 and after approval of the sale has been given by the Council.

(Code 1957, § 1.216; Ord. No. 115, § 3, 9-25-85)

Sec. 2-253. -- 2-260. Reserved.

ARTICLE VI. DOWNTOWN DEVELOPMENT AUTHORITY¹⁶

Sec. 2-261. Established.

A downtown development authority, pursuant to Public Act No. 197, Michigan Public Acts of 1975, as amended, is hereby established.

(Ord. No. 106, 7-1-84; Ord. No. 132, § 2, 12-15-86)

Sec. 2-262. Name.

The authority shall be known as “The Downtown Development Authority of the City of Grosse Pointe Park.”

(Ord. No. 106, 7-1-84; Ord. No. 132, § 2, 12-15-86)

Sec. 2-263. Boundaries of Downtown District Within Which Authority May Exercise Powers.

The boundaries of the downtown district within which the authority shall exercise its powers are the business areas of East Jefferson Avenue from the westerly city limits to the easterly right-of-way of Balfour Road, consisting of all public and private property within and all public and private rights-of-way within or adjacent to the area described in the following legal description:

Beginning at the point of intersection of the Northerly right-of-way of Jefferson Avenue and the common boundary of the City of Detroit and the City of Grosse Pointe Park (“City Line”); then Northerly along the City Line to the Northerly boundary of Lot 201 of Turnbull and Epstein’s Jefferson Avenue Subdivision; then Easterly along the Northerly boundary of Lots 201 and 202 of said Subdivision to the point of intersection with the Westerly right-of-way of Wayburn Avenue; then N68°45' E to the Easterly right-of-way of Wayburn Avenue; then Southerly along the Easterly right-of-way of Wayburn Avenue to

¹⁶ **Editor’s note**—Ord. No. 132, § 2, effective Dec. 15, 1986, provided that §§ 1-6 of App. C as derived from Ord. No. 106, be installed herein as Art. VI, §§ 2-261--2-266.

Cross references—Department of public service, § 2-131 et seq.; zoning, App. B.

the Northwest corner of Lot 203 of said subdivision; then Easterly along the Northerly boundary of Lots 203 and 204 of said Subdivision to the Northeast corner of Lot 204; then Southerly along the Westerly edge of Lot 205d of said Subdivision to the Southwest corner of Lot 205d; then Easterly along the Southerly boundary of Lots 205d and 206d to the point of intersection with the Westerly right-of-way of Maryland Avenue; then Northerly along the Westerly right-of-way of Maryland Avenue to the Southeast corner of Lot 156 of said Subdivision; then N68°45' E to the point of intersection with the Easterly right-of-way of Maryland Avenue; then Southerly along the Easterly right-of-way of Maryland Avenue to the Southwest corner of Lot 157 of said Subdivision; then Easterly along the Southerly boundary of Lot 157 of said Subdivision to the Southeast corner of Lot 157; then NS8°36' E to the Easterly edge of said Subdivision; then Southerly along the Easterly edge of said Subdivision to the Northwest corner of Lot 1 of Bern's Jefferson Avenue Subdivision; then Easterly along the Northerly boundary of Lot 1 of said Subdivision to the Northeast corner of said lot; then N64°21' E to the Northwest corner of Lot 112 of said Subdivision; then Southerly along the Westerly boundary of Lot 112 to the Southwest corner of said lot; then Easterly along the Southerly boundary of Lot 112 to the Southeast corner of said lot; then Southerly along the Westerly boundary of Lots 70, 71, 72, 73 and 74 of Pinney's Plat to the Southwest corner of Lot 74 of said plat; then Easterly along the Southerly boundary of Lot 74 to the Southeast corner of said lot; then N63°48' E to the Southwest corner of Lot 7 of said plat; then Easterly along the Southerly boundary of Lot 7 of said plat to the Southeast corner of said lot; then Northerly along the Easterly boundary of Lots 7, 8, 9 and 10 of said plat; then N63°48' E to the Westerly boundary of Lot 4 of Freudhurst, Leopold Freud's Subdivision; then Easterly along the Northerly boundary of Lot 4 of said. Subdivision to the Northeast corner of said lot; then N64°21' E to the Easterly right-of-way of Nottingham Road; then Southerly along the Easterly right-of-way of Nottingham Road to the Northwest corner of Lot 178 of said Subdivision; then Easterly along the Northerly boundary of Lot 178 to the Northwest corner of Lot 178; then Southerly along the Easterly boundary of Lot 178 to the Northwest corner of Outlot A of Somerset Road Subdivision No. 2; then Easterly along the northerly boundary of Outlot A of said Subdivision to the Northeast corner of said Lot; then N64°12'30" E to the Easterly right-of-way of Somerset Road; then Southerly along the Easterly right-of- way of Somerset Road to it point of intersection with the Northerly right-of-way of Jefferson Avenue; then S21°4'15" E to the Southerly right-of-way of Jefferson Avenue; then Westerly along the Southerly right-of-way of Jefferson Avenue to the point of intersection with the Westerly right-of-way of Westchester Road; then Southerly along the Westerly right-of-way of Westchester Road to the Southeast corner of Lot 627 of Windmill Pointe Subdivision; thence Westerly along the Southerly boundary of Lot 527 to the Southwest corner of said lot; then S65°W to the Easterly boundary of Lot 22 of Dennee and McAllister's Jefferson Avenue River View Park Subdivision; then Northerly along the Easterly boundary of Lot 22 of said Subdivision to the Northeast corner of Lot 22; then Westerly along the Northerly boundary of Lots 22, 135, 136 and 249 to the Westerly boundary of

said Subdivision; then S65°W to the Easterly boundary of Lot 622 of Windmill Pointe Subdivision; then Northerly along the Easterly boundary of said Lot to the Northeast corner of said Lot 622; then Westerly along the Northerly boundary of Lot 622 to the Northwest corner of said Lot thence S64°47'W to the Southeast corner of Lot 482 of said Subdivision; then Westerly along the Southerly boundary of Lot 482 of said Subdivision to the Westerly boundary of said Lot; then Southerly along the Easterly boundary of Lot 481 of said Subdivision to the Southeast corner of said Lot; then Westerly along the Southerly boundary of Lot 481 of said Subdivision to the Southwest corner of said Lot; then Southerly along the Easterly right-of-way of Pemberton Road to the Southwest corner of Lot 479; then S64°47' W to the Easterly right-of-way of Pemberton Road; then Westerly along the Southerly boundary of Lot 356 of said Subdivision to the Southwest corner of said Lot; then Northerly along the Westerly boundary of Lots 356 and 355 to the point of intersection with the Southerly right-of-way of the public alley forming the Northerly boundary of Lot 347 of said subdivision; then Westerly along the Southerly edge of the right-of-way of said public alley, continuing to the point of intersection of said alley with the City Line; then Northerly along the City Line to the point of beginning.

(Ord. No. 106, 7-1-84; Ord. No. 131, § 1, 10-16-86; Ord. No. 132, § 2, 12-15-86)

Sec. 2-264. Filing of Ordinance.

The City Council authorizes the City Clerk of the City of Grosse Pointe Park to file an executed original of this Article with the Michigan Secretary of State.

(Ord. No. 106, 7-1-84; Ord. No. 132, § 2, 12-15-86)

Sec. 2-265. Publication of Ordinance.

The City Council authorizes the City Clerk of the City of Grosse Pointe Park to cause a copy of this Article to be published once in The Grosse Pointe News.

(Ord. No. 106, 7-1-84; Ord. No. 132, § 2, 12-15-86)

Sec. 2-266. Separability.

The invalidity of any section, clause or provision of this article shall not affect the validity of any part of this article which can be given effect without such invalid provision.

(Ord. No. 106, 7-1-84; Ord. No. 132, § 2, 12-15-86)

Sec. 2-267. Finding with Respect to the Development Plan and Tax Increment Finance Plan Submitted to City Council on September 22, 1986, and October 13, 1986, Respectively.

The City Council of the City of Grosse Pointe Park has considered the Development Plan and the Tax Increment Finance Plan (collectively, the “Plans” for purpose of Chapter 2, Article VI of the Code) submitted to it by the Downtown Development Authority of the City of Grosse Pointe Park on September 22, 1986, and October 13, 1986, respectively. Having reviewed the Plans, held public hearings and carefully considered the comments and presentations of the Downtown

Development Authority, the City administration and the public, the City Council made the following findings:

- (1) A public hearing on the Plans has been held. Notice of that public hearing was given by publication twice in the newspaper of general circulation, the first newspaper notice being more than twenty (20) days before the date for the public hearing. Notice of the hearing was also posted in at least (20) conspicuous public places in the downtown district at least twenty (20) days before the hearing. Notice was mailed to all property taxpayers of record in the downtown district more than twenty (20) days before the hearing.
- (2) The development plan contains all of the information about the district area and the proposed improvements required by Section 17 of the Downtown Development Authority Act, 1975, PA 197, as amended.
- (3) The proposed method of financing the Development Plan, as set forth in the Tax Increment Finance Plan, is within the financial resources of the Authority and the Authority has the ability to arrange for the necessary financing in conjunction with the City of Grosse Pointe Park.
- (4) The development set forth in the Development Plan is necessary to correct and prevent deterioration in the East Jefferson business district and to encourage economic growth in the district.
- (5) The Development Plan provides for no acquisition of real property by the Downtown Development Authority.
- (6) The Development Plan is consistent with the Master Plan for the City of Grosse Pointe Park.
- (7) Existing public services, including fire and police protection and utilities, are presently adequate to serve the new area and any new private development which the development plan will attach to the district.
- (8) The changes in zoning, streets, intersections, and utilities are reasonably necessary for the implementation of the Development Plan, because such changes are intended to provide: (a) additional parking space for existing and new businesses; (b) building sites of adequate size to attract new businesses and meet parking requirements under the City's Zoning Ordinance; and (c) additional park space for business and residential amenity.

(Ord. No. 133, § 1, 12-15-86)

Sec. 2-268. Public Purpose Finding.

Based on the findings adopted in Section 2-267 and the City Council's review of the Plans, the City Council finds that the Plans constitute a public purpose.

(Ord. No. 133, § 1, 12-15-86)

Sec. 2-269. Plans adopted.

The Plans are hereby adopted by the City Council of the City of Grosse Pointe Park, in conformance with Section 19 of the Downtown Development Authority Act, 1975 PA 197, as amended.

(Ord. No. 133, § 1, 12-15-86)

Sec. 2-270. Restrictions on Authority of Downtown Development Authority.

The Downtown Development Authority shall not levy a tax pursuant to Section 12 of the Downtown Development Authority Act, 1975 PA 197, as amended, nor issue bonds in any form without the approval by specific resolution of the City Council of the City of Grosse Pointe Park. Adoption of Sections 2-267 through 2-270 shall not be deemed such approval.

(Ord. No. 133, § 1, 12-15-86)