



The City of Ferndale

Agenda

VIRTUAL Monthly Meeting of the Downtown Development Authority (DDA) Board of Directors Downtown Development Authority Meeting

THURSDAY, DECEMBER 10, 2020 @ 8:00 AM

Please click the link below to join the webinar:

[https://us02web.zoom.us/j/87433086472?](https://us02web.zoom.us/j/87433086472?pwd=NGpoQnJUaWtLSUNrR2JYWIMMIZWZz09)

pwd=NGpoQnJUaWtLSUNrR2JYWIMMIZWZz09

Passcode: FERNDAL

Or Telephone: Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 874 3308 6472

Passcode: 72467418

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- 1. Call to Order & Roll Call**
 - 2. Approval of Agenda**
 - 3. Presentations**
 - 3.a [Ferndale Accessibility & Inclusion Advisory Commission Business Awards](#)
 - 4. Community Reports** Reports from community organization representatives in attendance, including but not limited to: Ferndale Area Chamber of Commerce, Ferndale Area District Library, 8 Mile Boulevard Association, etc.
 - 5. Call to Audience**
 - 6. Consent Agenda**
 - 6.a [Approve November Minutes](#)
 - 7. Regular Agenda**
 - 7.a [License for Use of Property at 165 E. 9 Mile Road for Outdoor Seating](#)
 - 8. Call to Committee Chairs, Board Members & Staff (note more than 3 minutes)**
 - 9. Adjournment**



December 10, 2020

Downtown Development Authority

**CITY OF FERNDALE
REQUEST FOR COUNCIL ACTION**

FROM: Lena Stevens

SUBJECT: Ferndale Accessibility & Inclusion Advisory Commission Business Awards

INTRODUCTION

The Ferndale Accessibility & inclusion Advisory Commission is pleased to announce that it is launching an award for local businesses who make their businesses more accessible to people with disabilities, as both customers and employees.

SUMMARY & BACKGROUND

Alan Hejl

Ferndale Accessibility & Inclusion Advisory Commission Chairman

To the Ferndale DDA Commission;

The Ferndale Accessibility & inclusion Advisory Commission is pleased to announce that it is launching an award for local businesses who make their businesses more accessible to people with disabilities, as both customers and employees.

Times are tougher than ever this year for small businesses that make up the fabric of Ferndale, and so it's more important than ever to expand the talent pool and customer base to include everyone. Accessibility in businesses is more important than ever to more than 20% of metro Detroit residents who have disabilities. As more businesses recognize that accessibility and inclusion of people with disabilities is a process of understanding and not a checkbox of completion, the stronger our Ferndale community becomes.

In recognition of International Day for Persons with Disabilities on December 3rd, 2020, the nomination process will launch via Google Forms . Categories for nomination will include improvement measures in accessibility for Digital Accessibility, Environmental Accessibility, Cognitive Accessibility, Employment of People with Disabilities, Accessibility Training & Awareness, and Communication Accessibility.

Weâ€™re seeking help from the Ferndale DDA in spreading awareness of our nomination process to local businesses, and raise awareness and answer questions of what accessibility and inclusion for people with disabilities can mean to the city of Ferndale through a short presentation.

The nominations will be reviewed and awards will be given to businesses in early 2021 at a future Ferndale City Council meeting after careful review.

Sincerely,
Alan Hejl

Here is a link to our announcement on Facebook:
<https://www.facebook.com/groups/faiac/permalink/409409500205290/>

BUDGETARY CONTEXT

CIP#

STRATEGIC PLANNING CONTEXT

Supported Infrastructure

RECOMMENDED ACTION

Review presentation and discuss ways the DDA can collaborate on the project

ATTACHMENTS:

[FAIAC_DDA Letter_2020.pdf](#)

[FAIAC Award Image.png](#)



November 30th, 2020

Alan Hejl
Ferndale Accessibility & Inclusion Advisory Commission Chairman

To the Ferndale DDA Commission,

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Sincerely,

Alan Hejl

Accessibility & Inclusion Award

Community Leaders Making Strides
Towards Accessibility & Inclusion



FERNDALE



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FERNDALE

December 10, 2020

Downtown Development Authority

**CITY OF FERNDALE
REQUEST FOR COUNCIL ACTION**

FROM: Lena Stevens

SUBJECT: Approve November Minutes

INTRODUCTION

NA

SUMMARY & BACKGROUND

NA

BUDGETARY CONTEXT

CIP#

STRATEGIC PLANNING CONTEXT

Organizational and Financial Excellence

RECOMMENDED ACTION

Approve November Minutes

ATTACHMENTS:

[DDA Minutes November 19 2020.pdf](#)



VIRTUAL Monthly Meeting of the Downtown Development Authority (DDA) Board of Directors
Downtown Development Authority Meeting
THURSDAY, NOVEMBER 19, 2020 @ 8:00 AM

1. ROLL CALL

CALL TO ORDER: 8:02 am

MEMBERS PRESENT: Jacki Smith of Ferndale, PJ Jacokes of Pleasant Ridge, Nathan Martin of Ferndale, Sarah Brown of Ferndale, Jerome Raska of Ferndale, Blake Scheer of Ferndale, Chris Johnston of Ferndale

MEMBERS ABSENT: Janice Semma, Mayor Melanie Piana

STAFF PRESENT: Lena Stevens, Executive Director; Sommer Realy, Engagement Manager; Reilly Coleman, DDA Administrative Assistant, Sadie Quagliotto, Social Media Manager

GUESTS PRESENT:

- Dan Antosik, DPW Deputy Director
- Sheryl Stubblefield, Finance Director
- Steven Mann, Miller Canfield

2. APPROVAL OF AGENDA

Executive Director Lena Stevens stated recommendations to amend the agenda. There is a new resolution that will be recorded as 3), the regular agenda will be moved up, and items 2) a. and 2) b. will be switched.

Motion by Member Jerome Raska, seconded by Member PJ Jacokes to approve the agenda as amended.

All ayes, motion carries.

3. REGULAR AGENDA

a. Remote Meetings Discussion

Steven Mann of Miller Canfield provided an overview of the current status regarding remote meetings. Ability to meet remotely is likely to be continued. Overview of legal rules includes meeting information being posted ahead of time, addressing disability needs prior to meeting, allowing public attendance, board members ability to hear and communicate with one another, and the ability for public comment are required.

Motion by Member Blake Scheer, seconded by Member Jerome Raska, all in favor.

b. Contract for Landscaping and Maintenance with the City of Ferndale Department of Public Works in the amount of \$75,000 for the remainder of FY21, and \$172,000 for FY22. Additional approval for Addendum A for Snow Removal and De-Icing Services as a pilot program with a maximum budget not to exceed \$40,000 for FY21.

Executive Director Lena Stevens stated there is a need to shift focus of the maintenance schedule to include capital items and a renewed focus for litter management. The scope doesn't change, just the focus. There is a proposal to the board for approval of a 19-month contract. The current contract is in a calendar year time frame, but the budget is fiscal year. It's best to be in line with the budget process now. New contracts proposed

for each fiscal year with optional extensions. Additional addendum for ice and snow removal services. This service is typically offered hourly which offers an additional benefit. DPW is assessing staffing levels and may be unable to fulfill. The options are to either table this and decide at a later date or to authorize Director Stevens to make the decision at a later date.

Member Sarah Brown asked if there were any backup options for snow and ice removal. Director Stevens answered there are no other options researched at the moment because this service has never been offered before. No other quote requests have been completed at this time.

Member Blake Scheer stated his support for the DPW contract. Snow removal is a great added bonus. Director Stevens asked if he was okay with granting her authorization. Member Scheer stated he would like to get additional board members' insight due to his limited remaining time with the Board.

Member PJ Jacokes extended his support for the contract and asked if there are additional options to offer the funding in place of snow removal service if it doesn't occur.

Member Jerome Raska offered his support asked if there could be additional options for snow removal service. It would be a nice option for businesses.

Member Chris Johnston agreed and seconded the opportunity for snow removal for businesses.

Member Nathan Martin agreed with group consensus and asked about discounted rates for snow removal for businesses city-wide if they request to be involved.

Chair Jacki Smith extended her authorization to Director Stevens.

Director Stevens stated she is noting the interest of the group for snow removal services. It is best to operate this year as a test pilot since it is a new service, next year can incorporate buying-in service.

Motion by Member Jerome Raska, seconded by Sarah Brown, all in favor.

c. Budget Amendment for FY21 to Reflect Changes Related to COVID-19

Executive Director Lena Stevens stated this aspect of the budgetary process typically occurs in January; however, this correction is taking place earlier. COVID-19 changed internal operation and budget priorities. Director Stevens reviewed internal projects that received more and less attention. Revenues remain unchanged and more funding was brought in this year. The budget for last year operated very conservatively. The majority of the budget goes to staff and maintenance. The overall budget is increasing to add additional Downtown amenities and accounting for new projects that are carrying over to next year. Priorities have shifted from website and in-person events to outdoor and virtual events. Overall goal is to gain DDA approval to input into City's BSA system.

Finance Director Sheryl Stubblefield stated there hasn't been many shifts in property values. There has not been a major hit to the biggest area of taxing and bulk of revenue is safe to leave at current level. Revenue is a concern for everyone coming from the State, but DDA is not as impacted.

Director Stevens asked if the City's budget amendment process is on track. Director Stubblefield replied it is on track in all departments.

Member PJ Jacokes asked about a clarification amount for the fund balance. Director Stevens stated the initial estimation for this year included additional funding from savings. This did not happen because of COVID-19 and the additional funding the DDA received. Additional funds were not necessary.

Member Sarah Brown asked about the long-term emergency funding plan. Director Stevens clarified it will include things like outdoor activation and public art in assistance with economic developments.

Member Jerome Raska stated he is confused about budgeting and funding and how this differs from previous reports. Director Stevens stated this topic will be revisited. The main change is the new Executive Director and additional legal advice.

Motion by Member PJ Jacokes, seconded by Member Jerome Raska, all in favor.

4. PRESENTATIONS

a. Legal Opinion on Using Public Funds for Private Purpose

Executive Director Lena Stevens provided an overview of the matter of public funding for private use. The City of Royal Oak's legal document states that in the Michigan Constitution, public funds cannot be used for private purposes. Steven Mann of Miller Canfield stated there is one point of clarification regarding marketing, which cannot be overlooked. Director Stevens wants to understand the liability and ramifications of this policy.

Steven Mann of Miller Canfield stated this is a historic issue that has been questioned for many decades. Many DDA's have façade grants or loan programs that are recommended by Downtown Planning Consultants; however, this doesn't make it legal. The main reasoning is the Constitution, which refers to the prohibition of lending credit, states that municipalities cannot give away public funds for private purposes, unless authorized by law. However, this authorization is very limited. One example of authorization is if a business seeks improvements to sell a space, the DDA can loan this money. The DDA has no general authority to grant public funds.

Director Stevens asked if Ferndale is a singular city that follows this interpretation. Mann stated there are many attorneys that focus on municipal finance and share the same view, while others consider it to be feasible. It comes down to Constitutional provision.

Director Stevens asked the legal opinion of seeking state-level permission to aid in COVID-19 recovery and who would be the best point of contact.

Mann stated the Downtown Association and the Michigan Municipal Leagues are a good place to start. However, there may be some resistance. The DDA will need an amendment to permit this.

Member Sarah Brown asked what the latest repercussions for municipals have been regarding façade programs. Mann stated there have not been any to date, but the concern is the program is not defensible. Under ACT 57, the Department of Treasury has the authority of focusing the act, and could command to audit the DDA's books, with or without a direct complaint.

Member Brown asked if there is a potential to push forward given the circumstances of a global pandemic. Mann answered that it is not feasible. Because the orders are coming from the Department of Health and Human Services, this is not likely given their relationship with the Governor.

Finance Director Sheryl Stubblefield stated she anticipates the State doing some type of audit to ensure everything is being identified properly. Multiple webinars have discussed COVID money, and how state funding has been removed from local municipalities to give us an equal amount of money. More reports are required to use that money, and there are very stringent guidelines.

Chair Jacki Smith suggested assisting business owners with training to help run their business, as it is of great value.

Director Stevens stated she understands the frustration, however, it does foster a sense of creativity. PPE Marketplace is a great example. Main Street Oakland County money and a technical assistance grant was used for this. This has helped us stay in accordance with guidelines.

Chair Smith stated the façade program does not help small businesses, as very few are able to take advantage of the opportunity. There were years where no one applied, and then it seemed as if everyone did all at once.

b. Hallowindow Award Winners

Executive Director Lena Stevens stated her feelings of success toward the Hallowindow event, the first event to utilize any public voting. The total votes were 800, with half of the participants providing their contact information. Special thanks are extended to Engagement Manager Sommer Realy and Administrative Assistant Reilly Coleman for their involvement. Many businesses said this was a positive lift in spirits for staff. One in particular mentioned how their family was able to get involved. Engagement Manager Sommer Realy showed the award that will go to the Downtown winner, Margaux and Max. Kandiss Ecton of State Farm won the city-wide votes. Mayor's Choice were Brain Meets Brawn Fitness, Hook and Eye Alterations & Vintage, Modern Natural baby, and Ferndale Project.

c. DDA Executive Director Updates

Executive Director Lena Stevens provided an overview of Unbox the Holidays, the newly announced shop local promotion. The event went live on November 18, and advertising begins November 19. The idea to ditch big box and shop Ferndale originated from Joy Wells, Ferndale Area Chamber Executive Director. Studio Incognito, a local female-owned graphic design business, generated the website. There are four main pages, including an online shopping page, gift card page, takeout and delivery page, and a contact page. Ferndale Community gift card powered by Yiftee has launched and is in process and is live on website. Promotion will come from Michigan Public Radio and Pitch Black will generate target ads via Google Business and social media.

Chair Jacki Smith asked how interested business should run activation card for community Egiftcard. Director Stevens instructed it is via manual entry. Each business has a unique activation card to run manually as a debit card through POS system.

Member PJ Jacokes asked if online businesses are able to participate in gift card program. Some sales are through third-party platforms and are unsure if gift card system can operate within this. Director Stevens stated she will note this and reach out to Yiftee for clarification.

5. COMMUNITY REPORTS

Reports from community organization representatives in attendance, including but not limited to Ferndale Area Chamber of Commerce, Ferndale Area District Library, 8 Mile Boulevard Association, etc.

- a. No community reports

6. CALL TO AUDIENCE

- a. Engagement Manager Sommer Realy discussed re-branding of holiday events given the differences due to COVID-19.

7. CONSENT AGENDA

- a. Approval of October Minutes
Motion by Member Jerome Raska, seconded by Member Nathan Martin.
All ayes, motion carries.

8. CALL TO COMMITTEE CHAIRS, BOARD MEMBERS, & STAFF (note more than 3 minutes)

- a. Member Sarah Brown asked if there were any interested applications for board members. Executive Director Lena Stevens stated there are four applications so far, and another push will occur. The process will operate different this time. Director Stevens will call each candidate individually to explain job responsibilities, and then Mayor Melanie Piana will conduct interviews.
- b. Member Jerome Raska invited everyone to visit Blumz's new mural on the exterior wall of the business. The artist did everything free hand. Engagement Manager Sommer Realy stated she will add this feature to the list of Downtown art.
- c. Chair Jacki Smith reminded board she will not be Chair after December. Open board positions include Chair, Vice Chair, and Secretary.

9. ADJOURNMENT

Motion by Member Sarah Brown, seconded by Member PJ Jacokes to adjourn the meeting at 9:54 A.M.

All ayes, motion carries.



December 10, 2020

Downtown Development Authority

**CITY OF FERNDALE
REQUEST FOR COUNCIL ACTION**

FROM: Lena Stevens

SUBJECT: License for Use of Property at 165 E. 9 Mile Road for Outdoor Seating

INTRODUCTION

A license agreement has been prepared for the DDA to continue use of the property located at 165 E Nine Mile Road for outdoor seating. The current agreement extends to Dec 31, 2020. The proposed agreement would begin on January 1, 2021 and continue through Dec 31, 2021.

SUMMARY & BACKGROUND

During landuse planning discussions related to COVID-19 business support, the property at the corner of Bermuda and E Nine Mile Road was identified as a potential space to provide outdoor seating while supporting social distancing. The property owner was approached by Executive Director Lena Stevens and a license was approved during the June meeting of the DDA Board of Directors. The owner was compensated by the DDA for actual costs incurred for lawn mowing in an amount not to exceed \$1500 under a pre-existing contract and an additional \$1000 fee.

The proposed contract includes a fee of \$500 per month, for an annual maximum fee of \$6000. Under this agreement, the owner is responsible for lawn mowing and snow removal. Either party is able to terminate the contract with 30 days written notice. Small, socially distant events are permitted with approval of the land owner.

This land has provided with much needed space in the downtown for outdoor seating, food trucks, and other socially distant gathering. As planning begins for spring and summer, it is safe to assume that social distancing will be a priority for at least another year. Having this land available creates flexibility for the Ferndale DDA and City of Ferndale as we explore opportunities that support our business community.

BUDGETARY CONTEXT

A \$40,000 budget for outdoor furniture/activation was proposed at the DDA Board of Directors at their Regular Meeting on 11.19.20. Approximately \$15000 has been used to date for furniture at the Library, park at 9/Bermuda, and other areas around town. This license fee would come from that budget.

CIP#

STRATEGIC PLANNING CONTEXT

Economic Prosperity

RECOMMENDED ACTION

Approve License Agreement by and between 165 E 9 Mile Rd LLC and the Ferndale Downtown Development Authority

ATTACHMENTS:

[License Agreement re Dorfman property 2021 REVISED.pdf](#)

LICENSE AGREEMENT

This License Agreement has been entered into as of the date noted below, by and between 165 E 9 Mile Rd LLC (“Licensor”), having an address at 40900 Woodward Avenue, Suite 350, Bloomfield Hills, Michigan, 48304 and the Ferndale Downtown Development Authority (“Licensee”), a downtown development authority created pursuant to law, with an address at 300 E. 9 Mile Road, Ferndale, Michigan, 48220.

Licensor is the owner of certain property located at Bermuda and E. Nine Mile Road in the City of Ferndale, Michigan (the “Premises”), as described in the attached Exhibit A. Licensee desires to obtain a license to utilize the Premises for outdoor seating by the public during the term as set forth below subject to the following conditions.

NOW, THEREFORE, for good and valuable consideration, the sufficiency and receipt of which the parties acknowledge Licensee and Licensor agree as follows:

1. *Grant of License.* Licensor licenses, grants and permits Licensee a license to use the Premises for outdoor seating by the public for the time period as set forth in Section 4.

2. *Use of Premises.* Licensee may use the Premises for the outdoor seating and small events by the public during the term specified in Section 4. With the exception of lawn mowing and snow removal, which shall be the sole responsibility of Licensor during the term of the License, Licensee shall, at its sole cost, provide the proper upkeep of the Premises, and any equipment placed on the Premises, including litter control, waste management, seasonal plantings, and any other maintenance at the Premises that may become reasonably necessary for Licensee to maintain the Premises for its intended use throughout the term of the License. Licensee shall be permitted to locate, at its cost, picnic tables, chairs, trash, and recycling bins, and shall be responsible for the maintenance, emptying and repair of such items. Upon the termination of this

License, Licensee shall have all such items removed from the Premises and restore the Premises to the condition existing at the commencement of this Agreement.

3. *Payment for License.* Throughout the term of this License, Licensee shall pay to Licensor the sum of five hundred dollars per month (\$500) for a total of six thousand dollars (\$6,000) per year, plus other good and valuable consideration, the receipt of which is hereby acknowledged.

4. *Term of License.* This License shall commence upon execution of this Agreement by both parties and end on December 31, 2021. During such Term, Licensor, or any prospective buyer and others it selects, shall have access to the Premises in order to review the site and perform inspections on the Premises. Licensee acknowledges that this may cause temporary disruption to the use of the property, but that in no event shall such temporary disruption abate any payment due as set forth in Section 3 above. At all times throughout the term of the License, Licensor shall also have the right to display a sign advertising the sale of the Premises consistent with the City's code of ordinances. Licensor reserves the exclusive use of the parking spaces on the north end of the property during the term of the license(see Exhibit A) and Licensee agrees to use reasonable efforts to inform the public that those parking spaces are reserved for such exclusive private use throughout the term.

5. *Compliance with Laws.* Licensee shall, in connection with its use of the Premises, comply with all applicable laws, ordinances and regulations.

6. *Insurance.* Licensee shall provide general liability insurance policies in an amount of not less than One Million dollars of coverage per occurrence for any and all claims and damages whatsoever arising out of Licensee's use of the Premises under this License Agreement, naming Licensor as an additional insured and noting such coverage as being primary and not contributory.

To the fullest extent permitted by law, Licensee agrees to defend, pay on behalf, indemnify and hold harmless Licensor, against any and all claims, demands, suits, loss, including all costs connected therewith, for any damages which may be asserted, claimed or recovered against or from Licensor which arises out of or is in anyway connected with Licensee's use of the Premises during this Agreement.

7. *Assignment.* Licensee shall not assign this Agreement nor permit any use of the Premises other than as specified in this Agreement without the prior written consent of the Licensor, such consent to be withheld in Licensor's sole and absolute discretion.

8. *Termination of License.* This License may be terminated, at any time, upon thirty (30) days written notice by either party.

9. This agreement may be executed in counter-parts, each of which shall be an original and all of which counter-parts taken together shall constitute one in the same agreement.

IN WITNESS WHEREOF, the parties have executed this License Agreement on the dates set forth below.

**Ferndale Downtown Development
Authority**

By: _____

Its: _____

Dated: _____

165 E 9 Mile Rd, LLC

By: _____

Its: _____

Dated: _____

Exhibit A – 165 E. Nine Mile, Ferndale, MI 48220 (25-27-382-020) denoted in red)



Private parking area denoted in blue.

Source: Oakland County Property Gateway