



# The City of Ferndale

## Agenda

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

**THURSDAY, JUNE 11, 2020 @ 8:00 AM**

**JOIN ZOOM MEETING ONLINE:**

**[HTTPS://US02WEB.ZOOM.US/J/84918538765?PWD=TM9YVKHSNWZEM0TUT](https://us02web.zoom.us/j/84918538765?pwd=TM9YVKHSNWZEM0TUT)**

**HBODEVMS090QT09**

**PASSWORD: FERNDAL**

**PHONE: 929 205 6099 (TOLL FREE)**

**MEETING ID: 849 1853 8765**

**PASSWORD: 301421**

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### **1.Call to Order & Roll Call**

### **2.Approval of Agenda**

### **3.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.

### **4.Call to Audience**

### **5.Consent Agenda**

#### **5.a. [Approval of Minutes](#)**

### **6.Regular Agenda**

#### **6.a. [Authorization of Budget Allocation for Outdoor Seating and Business Support Services for COVID-19 Recovery](#)**

#### **6.b. [License for Use of Property at 165 E. 9 Mile Road for Outdoor Seating](#)**

#### **6.c. [New Concept and Budget for 'Affirmations Bench' Project](#)**

#### **6.d. [Resolution in Support of the City of Ferndale City Council's Declaration of Commitment to Antiracism](#)**

### **7.Presentations**

7.a. [Downtown Maintenance Report](#)

7.b. [Ferndale DDA Updates](#)

**8.Call to Committee Chairs, Board Members & Staff (note more than 3 minutes)**

**9.Adjournment**

**CITY OF FERNDAL  
REQUEST FOR COUNCIL ACTION**

**FROM:** Lena Stevens  
**SUBJECT:** Approval of Minutes

**INTRODUCTION**

N/A

**SUMMARY & BACKGROUND**

N/A

**BUDGETARY CONTEXT**

**CIP#**

**ATTACHMENTS**

[DDA Minutes May 2020.pdf](#)

**STRATEGIC PLANNING CONTEXT**

**RECOMMENDED ACTION**

Approval of the minutes from the DDA Board of Directors meeting held on May 14, 2020



VIRTUAL Monthly Meeting of the Downtown Development Authority (DDA)

Board of Directors Downtown Development Authority Meeting

**THURSDAY, MAY 14, 2020 @ 8:00 AM**

ONLINE: [HTTPS://US02WEB.ZOOM.US/J/86296848936?pwd=OGVWT0U4TDDYEFJSTHH](https://us02web.zoom.us/j/86296848936?pwd=OGVWT0U4TDDYEFJSTHH)

AEW10TEDUZZ09

PASSWORD: FERNDAL

PHONE: 888 788 0099 (TOLL FREE)

MEETING ID: 862 9684 8936

## 1. ROLL CALL

**CALL TO ORDER: 8:04 AM**

MEMBERS PRESENT: Jacki Smith, PJ Jacokes, Nathan Martin, Sarah Brown, Jerome Raska, Chris Johnston, Janice Semma, Blake Scheer, Mayor Piana

MEMBERS ABSENT: None.

STAFF PRESENT: Lena Stevens, Executive Director; Sommer Realy, Engagement Manager

GUESTS PRESENT:

- Kyle Pollet, Assistant City Manager (Zoom meeting moderator)
- Joseph Gacioch, City Manager
- Jordan Twardy, Community and Economic Development (CED) Director
- Dan Antosik, DPW Manager
- Sheryl Stubblefield, Finance Director
- Joy Wells, Ferndale Area Chamber of Commerce
- Justin Lyons, Community and Economic Development (CED) Planning Manager
- Jennifer Marr, Ferndale Area District Library Director

## 2. APPROVAL OF AGENDA

*Motion by member Jerome Raska to approve agenda with minor changes to order of presentations seconded by member PJ Jacokes to approve the amended agenda. **All ayes, motion carries.***

## 3. PRESENTATIONS

### a. DDA Executive Director Updates

Executive Director Lena Stevens provided updates on previous month's activities and programs. Stevens recapped Michigan Executive Order 2020-77. Oakland County public health order 2020-10 is effective until rescinded which requires daily staff screening, face masks mandatory for all face to face staff interactions. The MI Safe Start Plan provided by the Governor shows that county is currently in stage 3.

Executive Director Stevens mentioned that round two of stabilization grants from Oakland County have been selected. Board Chair Jacki Smith inquired if businesses have been notified. Executive Director Stevens stated the county handles all notifications.

Construction will resume on Schiffer Park, The dot and repaving sections of city streets surrounding downtown.

A Discovery Working Group has been created for The dot Placemaking Project to generate ideas and give feedback on how to incorporate art into the site. This group is made up of 2 representatives of the Ferndale Arts and Cultural Commission, 1 representative from the DDA Board of Directors, 2 City of Ferndale staff, and 2 DDA staff.

City Manager, Joseph Gacioch provided an update on The dot resuming construction. Less than 50% of the construction workforce reported for work. Many construction workers have left the state to work on projects. Discussions continue for development options between the city and developer.

The EverythingHR contract approved at last board meeting provides free HR services to downtown businesses has received positive feedback. A report will be provided via email to the board outlining the number of businesses that used this service and hours associated.

Executive Director Stevens mentioned that marketing efforts are moving towards the positives of what is possible and available in Ferndale. The website [www.ferndalemothersday.com](http://www.ferndalemothersday.com) launched in less than 24 hours highlighting boss moms in Ferndale and listed businesses offering curbside, delivery and virtual options for Mother's Day gifts.

Social distancing lyrical yard signs placed in flower beds around downtown Ferndale were produced by City of Ferndale's Communications Specialist Lindsay Gunsorek and printed at the DPW sign shop. Channel 94.7 will be opening phone lines on Friday after short interview with Executive Director Stevens requesting the public to suggest more lyrics for signs.

Social media is a critical tool needed during this social distancing period and after. Insights show that 70% of Downtown Ferndale followers are female. Great engagement from the approximate 40 posts per week across all social media platforms. Posts created by social media specialist are easy for businesses mentioned to share. Sadie Quagliotto the contacted social media, specialist will continue service until September 2020.

Engagement Manager, Sommer Realy announced the #openinferndale campaign on Patronicity will be launching on Friday May 15. The #openinferndale campaign is a crowdfunding project on Patronicity that has been made possible with the partnership between Main Street Oakland County, Ferndale Area Chamber of Commerce, the City of Ferndale and the DDA. This crowdfunding campaign project is designed to support small businesses in Ferndale with financial assistance for Personal Protective Equipment (PPE) and other operational modifications needed to reopen during the COVID-19 pandemic. Finance Director, Sheryl Stubblefield requested an outline of the financial structure for the campaign be provided.

Executive Director Stevens mentioned parking, outdoor vending and parklets as a few of the ideas that are currently under consideration for downtown landuse in as a COVID-19 recovery response. Other ideas under consideration include reduced parking permit

fees for business employees, designated spaces for free curbside order pickup for twelve months, expand areas for outdoor seating, potentially within existing lots, alleys, and streets. The potential leasing of parking spaces to businesses for cafes may be available once impact of revenue loss has been assessed. Outdoor vending considerations included allowing more flexibility for sidewalk sales, expanding areas for food trucks, and expanding hours for vending carts in the downtown. Consideration and concept on Parklets are to solicit quotes from local builders/artisans using specifications from Giffels Webster to ensure safety. Parklets create more outdoor seating, possible pilot to be from the DDA in front of Affirmations and if successful could be replicated throughout the city.

Member Sarah Brown inquired if these items fit within design guidelines outlined in the CIP. Executive Director Stevens noted that this is an underlying issue with the incomplete CIP as well as the lack of Streetscape Guidelines. However, these are both priorities for the near future so that more comprehensive design standards can be in place for projects such as these.

**b. Update from Chief of Police, Vincent Palazzolo**

Chief Palazzolo reported Ferndale is supportive of the executive orders. Overall criminal activity is down, and it is quiet in the downtown business district.

Executive Director Stevens inquired and confirmed critical staff is not required to carry identification to and from home.

Board Chair Jacki Smith mentioned the new fear of customers causing a scene over COVID-19 protocols. Staff is concerned and scared of being assaulted. Curious if there is something the police department can create for the businesses to post reminding customers of the policies in place to help with the spread of COVID-19.

Chief Palazzolo reminded business owners that they are in control of protocol. He mentioned that this is a trying time for many and may feel like their liberties are being taken away. The police department is available to help and are in full support of any creativity in reopening safely. Recommended the best customer service practices should be encouraged amongst staff.

Member Jerome Raska provided a recap of his experience on Mother's Day at Blumz...by JR Designs. He held a staff meeting and provided guidelines in how to deal with various scenarios. Customers overall were cooperative; rebels were engaged with positive communication and provided a face mask needed.

City Manager Joseph Gacioch stated that City Hall has a policy defined by the CDC in reopening and offered to business owners to share with employees. Board Chair Jacki Smith appreciated the offer and ability to share this documentation, information that is endorsed has more weight.

Member PJ Jacokes proposed the idea of window decals with icons associated with clean practices and approved operating policies.

**c. Downtown Maintenance Report**

Deputy Director, Dan Antosik addressed board with goals, accomplishments, challenges, and upcoming projects. The main goal for this month is to maintain an acceptable level of service during the Governor's Executive Order to Shelter in Place while operating with reduced staffing levels.

Crew is excited for the upcoming planting season and will be working with plant supplier when the weather reaches an acceptable point to begin planting. DPW continues to provide sanitation related services throughout the downtown and beyond.

Accomplishments in the month of April were largely from sanitation related activities and maintaining cleanliness with the DDA. The biggest challenge the DPW faces is continuing to provide an acceptable level of service during this period while keeping the crew members safe. Crew members have been and will continue to get their temperature checked in and out of work each day, practice social distancing with a decreased crew size, be provided PPE, and increase the level of cleaning of vehicles and equipment as required by the Oakland County executive order.

Upcoming, the DPW will be preparing flowers beds for spring planting, keeping up with the spring cleaning, and daily operations. Mulch has been ordered and will be used to touch up the beds throughout the DDA.

Parking lot repairs and resurfacing projects on Withington and Vester will begin soon.

Member Janice Semma requested service in replacing the metal bin that was once blocking cars from entering the alley be returned to its proper location. J's Penalty Box will be power washing the alley behind their business this weekend.

Mayor Piana asked how to go about the littering of gloves and masks on grassy areas near high traffic areas. DPW Deputy Director Antosik stated he is in communications with code enforcement on best way to address this issue in areas where it is private property.

Member Jerome Raska commented on the excessive debris from the development at the corner of E. Nine Mile and Paxton that continues to end up on his property, both business and residential. DPW Deputy Director Antosik stated he would relay over member Raskas concern. Debris from this development is an ongoing issue and the building official and code enforcer are in communications with site manager and superintendent. Community and Economic Development Director, Jordan Twardy is available to assist and offer back up if needed.

**d. COVID-19 Recovery Planning: Business Support Ideas Discussion**

The CED Department has been working with the DDA and Ferndale Area Chamber staff as a unified Business Response Team to coordinate the distribution of information and resources to the business community. Jordan Twardy, CED Director provided an update regarding the planning initiatives underway for business support services related to COVID-19 recovery. The Ferndale City Council at its April 27, 2020 meeting approved a budget for the upcoming fiscal year that included \$100,000 for business support. Of that sum, \$65K is allocated directly for business support programming, \$20,000 is proposed for dedicated personnel to directly oversee the deployment of these efforts and provide direct business liaison services possibly contracted to the Ferndale Area Chamber of Commerce, \$10,000 provides a contingency for unforeseen needs/opportunities, and \$5,000 is proposed for demand-based specialized technical assistance consultation services. Formal launch of a new website “Open in Ferndale” which will offer all resources under one umbrella will take place in June.

Jordan Twardy, CED Director requested DDA board members to present their ideas for consideration related to the types of services and support the City of Ferndale could be successful in allocation of these funds.

Executive Director Stevens started discussion by asking if the board felt as though people are over surveyed. Member Jerome Raska commented that if you do not ask, then you do not know. Do not worry about fatigue. Member Raska is concerned over the focus of donation request and feels as though the campaign is sponsorship driven. Patronicity campaign is over and beyond the \$65,000 allocated by the City and is subject to legal issues with distribution of funds. CED Director, Jordan Twardy clarified and explained the process identifying the direct use of funds associated with both projects.

Board Chair Jacki Smith suggested the board members take 15 minutes to brainstorm and share their thoughts, if more time is needed, a special meeting can be scheduled. Member Blake Scheer inquired about the \$20,000, the role of the chamber and if the DDA is being asked to contribute. Requested measurables and expectations of those contracted to be clearly stated and concerned over how information will be communicated. CED Director, Jordan Twardy explained the benefits of a city-wide business list is compiled by the chamber of commerce and their role of cultivating relationships remains the same and will act as a liaison for the City of Ferndale. Executive Director Stevens explained the DDA has already been offering support to this initiative by the creation and maintenance of a full business list in Hubspot, social media promotions and staff time delineating the information.

Board Chair Jacki Smith states this discussion is the big picture, post COVID-19 and current situation.

Member PJ Jacokes, in his opinion believes a centralized hand washing station does not make much sense in a no touch world. Curious if there is a no touch face mask vending system available.



Member Jerome Raska confirmed with member Nathan Martin that Woodward Movement is creating branded face masks for a few businesses.

Board Chair Jacki Smith addressed question about closing Nine Mile for café's. If Nine Mile could be paved and then remain closed to offer open dining, it may work. As a retail business owner, it is hard to come out of doors and offer service like restaurants.

Mayor Piana commented that residents are asking about road closures, so they feel safer in downtown. Mayor mentioned that Pleasant Ridge received a grant for bike lanes on Woodward. If closing Nine Mile is an option, then why not lanes of Woodward. One of the issues with road closures is the interference of pick up and carry out infrastructure.

Member Chris Johnston agreed with Mayor's comments stating as a business owner of three locations on Woodward he has always felt narrowing Woodward would be a benefit to customer safety.

Board Chair Jacki Smith mentioned she is all for a walking outdoor mall from Planavon to Bermuda however we need to be mindful of timing, closing Nine Mile while The dot construction is underway would be impossible.

Parklet placement on Nine could be used to begin the process of outdoor dining. Member Chris Johnston advised the term care is better than safe. We are redesigning how we do things to provide safety because Ferndale cares.

Member Blake Scheer commented on the importance of cleanliness and inquired about robbery training now that all customers are required to wear face masks. Board Chair Jacki Smith states they will open when they want and not until they have security and further training in place.

Executive Director Stevens ended discussion by stating a bulleted list of all conversation points will be provided to the board to review and offer more insight.

#### **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.*

Ferndale Area District Library Director, Jenny Marr announced the library is closed to the public in coordination of the Governor's executive order. She is currently working with legal advisors on best practices for reopening to the public. All library programming is online only. She has purchased local gift certificates as awards for those participating in online events. Library building maintenance is taking place, such as painting exterior benches and flower beds. Director Jenny Marr looks forward to continuing conversations with DDA about adding seating and tables in courtyard. Next week Library meets to review budget.

Ferndale Area Chamber of Commerce Director, Joy Wells announced the development of business roundtables consisting of 5 to 10 people max, allowing for a purposeful use of time.

**5. CALL TO AUDIENCE**

**6. CONSENT AGENDA**

**a. Approval of the Minutes of the Regular Meetings held April 9, 2020**

*Motion by Mayor Piana seconded by member Jerome Raska to approve the consent agenda as presented. All Ayes, motion carries.*

**7. REGULAR AGENDA**

**a. Approval of Updated Ferndale Downtown Development Authority By-Laws**

The by-laws of the Ferndale DDA were last updated in 2016. The Act governing DDAs in Michigan has been modified, and changes have been made in the operational context of the Ferndale DDA which should be reflected in the by-laws in an expedient manner. Executive Director Stevens, in collaboration with Steven Mann, Attorney and Counselor at Law and Miller Canfield, recommends that these minor updates be approved now, and a more in-depth analysis be planned for Fall 2020 to review sections such as Standing Committees and Advisory Committees.

Both a final version as well as a fully notated version were provided. Highlights of the changes include but are not limited to, an update to current law governing DDAs in Michigan (Act 57 of the Public Acts of 2018) and replacement of the list of powers with a reference to that Act, membership updated to reflect that the board is made up of the Chief Executive Officer (Mayor or City Manager) AND 8-12 members, Ex-officio (by virtue of office) membership was removed, offer clarity if members shall not vote in matters involving a direct personal interest, provide allowance that officers can be elected at either a regular or specially called meeting, as opposed to solely during a Strategic Planning Meeting, provide the chairperson the ability to cancel a meeting and or a special meeting can only be called by 2 voting members, change the Strategic Planning Meetings and appointment of officers to biennially (once every 2 years) and give authority to City Manager to act in the place of the Executive Director or appoint a designee to do so in the event of the Director's inability or refusal to act.

*Motion by member Jerome Raska seconded by member Blake Scheer to approve suggested updates to the Ferndale Downtown Development Authority By-Laws as presented, with more comprehensive review planned for Fall 2020.*

*All ayes, motion carries.*

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

No comments

**9. ADJOURNMENT**

*Motion by member Jerome Raska seconded by member Sarah Brown to adjourn the meeting at 10:03 A.M. All ayes, motion carries.*

**CITY OF FERNDALE  
REQUEST FOR COUNCIL ACTION**

**FROM:** Lena Stevens

**SUBJECT:** Authorization of Budget Allocation for Outdoor Seating and Business Support Services for COVID-19 Recovery

**INTRODUCTION**

Several COVID-19 business response initiatives are under consideration by the Economic Prosperity Team. By authorizing budget line items dedicated to outdoor seating and business support, the Executive Director or acting Director will have discretion to provide timely support in the critical recovery months of June-August. This proposal represents a reallocation of previously budgeted funds and not an increase in the total expenditures.

**SUMMARY & BACKGROUND**

COVID-19 has created unexpected challenges for the Ferndale DDA in supporting our business community. To date, support has been provided largely at the cost of staff time only, or within existing budgeted line items (ex. hiring a social media manager.)

However, as we move into the critical months of summer and consider larger scale interventions such as the creation of parklets, outdoor seating areas, enhanced signage, etc, it would be helpful for the DDA Board of Directors to create dedicated line items for these initiatives. This will create flexibility for the Executive Director or acting Director to provide swift responses and support to the collaborative initiatives under consideration with the City of Ferndale at a time that could have direct influence on the viability of several businesses.

Outdoor seating options are exceptionally important this summer as they give patrons options for social distancing while still supporting local restaurants, coffee shops, and eateries.

**BUDGETARY CONTEXT**

The total expenditures approved in the revised FY20 (current year) budget by the DDA Board of Directors totaled \$1,168,366. As of 6.3.20 total expenditures recorded in the General Ledger total \$409,512. This does not represent several large expenses which may be delayed in part or in whole until FY21 (The dot \$250,000, Schiffer Park \$205,000, Ideation Orange Contract \$33,500).

However, even within this context, Executive Director Stevens believes expenditures will likely be lower than expected due to programmatic changes related to COVID-19. For example the Downtown Maintenance Contract with DPW will likely be \$20,000 less than budgeted due to decrease demand for service in March and April.

This proposal does not recommend an increase in overall expenditure levels for either FY20 or FY21, but rather a reallocation of specific line items to fit current priorities. In September 2020 Director Stevens will bring a more comprehensive budget review and amendment to the Board for consideration. This will provide a more clear financial picture, especially as the large expenditures mentioned above will be incurred by that time.

Director Stevens proposes that the DDA Board of Directors authorize these line item expenditures not to exceed the following amounts within the DDA Budget for FY21 (Starting July 1):

248-000-818.000 Contractual Services - COVID-19 Business Support Services

Considerations: financial planning services, window decals/posters, flagpole banners, business training  
- FY 21: \$15,000

248-000-977.000 Capital Outlay - Downtown Furniture

Considerations: Library outdoor furniture, furniture for newly created seating areas, additional litter/recycling cans as necessary  
- FY 21: \$40,000 (original budget = \$10,000)

These changes are funded by the elimination/reduction of the following line items:

FY 20

- 248-000-818.000 Contractual Services - Graphic Design \$2,500
- 248-000-931.000 Facilities Maintenance - Sidewalk Repairs \$10,000 (previous repairs completed in FY19 and none were undertaken in FY20)
- 248-000-931.000 Facilities Maintenance - Downtown Facilities Maintenance DPW Contract , expected reduction from \$165,000 to approx. \$145,000 or less
- 248-000-977.000 Capital Outlay- Pedestrian Alley Improvements \$2500

FY 21

- 248-000-818.000 Contractual Services - Branding Services \$20,000

**CIP#**

## **ATTACHMENTS**

## **STRATEGIC PLANNING CONTEXT**

## **RECOMMENDED ACTION**

Approve the reallocation of previously budgeted funds as recommended by Executive Director Stevens



**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 use the property located at 165 E Nine Mile Road for outdoor seating that supports social distancing. The agreement outlines compensation and responsibilities of each party and extends to Dec 31, 2020.

**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 is excited to be able to support the community with the use of this property.

Given the density of downtown development and lack of outdoor gathering space, the use of this land creates a valuable opportunity to support business recovery.

The owner will be compensated by the DDA for actual costs incurred for lawn mowing in an amount not to exceed \$1500 under a pre-existing contract. They will also be payed a sum of \$1000 for use of the space. This is intended to cover future costs including but not limited to sod repair, leaf removal, snow removal/de-icing, etc. The DDA will task the Department of Public Works will litter control and site maintenance under the existing contract.

A plan for furniture is under consideration but will likely start with a simple layout. DPW is helping to source/price wood picnic tables and adirondack chairs. We will also deploy social distancing signage and trash/recycling bins. Options for shade are also under consideration. Executive Director Stevens estimates a furniture budget not to exceed \$3500.

**BUDGETARY CONTEXT**

The lawn maintenance reimbursement (\$1500) and license payment (\$1000) will be coded to Contractual Services 248-000-818.000 which currently reports expenditures of at \$82,449 for FY20 of the budgeted amount \$162,500. While there are several pending expenditures for this category, Executive Director Stevens is confident that the budget can absorb this unexpected expenditure.

A budget for outdoor furniture was proposed at the DDA Board of Directors at their Regular Meeting on 6.11.20. If approved, this expenditure would be coded to that line item. If that recommendation is not approved, the original outdoor furniture line item for FY21 was set at \$10,000. This funding is adequate to cover the library furniture purchase as well as this project.

**CIP#**

**ATTACHMENTS**

[License Agreement re Dorfman property 6.11.20.pdf](#)

**STRATEGIC PLANNING CONTEXT**

**RECOMMENDED ACTION**

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

## 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 \_\_\_\_\_ 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, Ferndale Michigan 48220 in the City of Ferndale, Michigan, (the “Premises”), as described in 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 by the public during the term specified in Section 4. Licensee shall provide the proper upkeep, lawn mowing and maintenance, litter control, and other necessary maintenance at the Premises as reasonably necessary, at its cost, during term of the License. In the event that Licensor provides the lawn mowing and maintenance during the term of the License, Licensee shall reimburse Licensor for the actual cost incurred by Licensor up to a maximum amount of fifteen hundred (\$1,500) dollars. Licensee shall be permitted to locate, at its cost, picnic tables, chairs and trash and recycling bins and shall be responsible for the maintenance, emptying and repair of such items. On 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 Licensors the sum of one thousand dollars (\$1,000), plus other good and valuable consideration, the receipt of which is hereby acknowledged, for the term the Premises are used for outdoor seating.

4. *Term of License.* This License shall commence on execution of this Agreement by both parties and end on December 31, 2020. During such Term, Licensors, 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. This may cause temporary disruption to the use of the property. The Licensors shall also have the right to display a sign advertising the sale of the Premises consistent with the City's code of ordinances. Licensors reserve the exclusive use of the parking spaces on the north end of the property during the term of the license, see Exhibit A.

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 the amount not less than One Million dollars 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 Licensors 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 Licensors, 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 Licenser 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 Licenser.

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*

**CITY OF FERNDAL  
REQUEST FOR COUNCIL ACTION**

**FROM:** Lena Stevens

**SUBJECT:** New Concept and Budget for 'Affirmations Bench' Project

**INTRODUCTION**

The installation of a seating area in front of Affirmations (290 W Nine Mile Road) has been under consideration by the DDA for quite some time. The primary objective of the project is to protect the building from anyone wishing to cause harm with a vehicle. This recommendation proposes that the idea for the 'Affirmations Bench' pivot to the creation of the city's first parklet. Not only could this reduce costs from the original expected budget of \$15,000-\$20,000, it could provide a useful pilot for an idea that could be useful in other areas of the city.

**SUMMARY & BACKGROUND**

From Executive Director Lena Stevens:

It is my understanding that the concept of some form of bench or protection for Affirmations has been under consideration for quite some time. The primary objective of what I will refer to as the 'Affirmations Bench' project was to protect the building from anyone wishing to cause harm with a vehicle. While this is a reprehensible thought, I agree that it is an issue that should be addressed. Additionally, I feel the location provides an excellent opportunity for much needed outdoor seating in downtown. From financial records I have found that the Ferndale DDA accepted grant funds for this project in the amount of \$2,000 from the Ferndale Community Foundation and \$2,500 is pending from Main Street Oakland County.

I am aware of one design for the Affirmations Bench which incorporated a variety of colored concrete pillars, cement planters, and a seating area. The process for this design creation was not documented by staff and unfortunately current circumstances have kept me from being able to follow up with volunteers to learn more about it. However, it also does not appear that the design was vetted by an engineer to determine its ability to stop a vehicle, which I see as a critical step. Additionally, maintenance concerns for the painted concrete and access to utilities have been raised by the Department of Public Works.

This recommendation proposes that the idea for the Affirmations Bench pivot to the creation of the city's first parklet. Not only could this reduce costs from the original expected budget of \$15,000-\$20,000, it could provide a useful pilot for an idea that could prove useful in other areas of the city. This is made more pressing by the COVID-19 pandemic and the urgent need to create outdoor seating space for patrons. Creating a parklet also buys time for the consideration of a more permanent installation in the future that aligns with design elements from The Dot and Schiffer Park to create a more cohesive look and feel to downtown.

The services of the civil engineering and community planning firm Giffels Webster have been tentatively engaged to design and engineer this parklet. We have discussed how bollards could be concealed within the design to protect the building. Planning Manager Justin Lyons has agreed to take responsibility for working with them to refine the concept in my absence under the direction of CED Director Jordan Twardy. Given the

urgency it is likely that the DDA Board of Directors WILL NOT be given final design approval opportunity, though it is possible that some feedback could be sought via email. The Board's level of comfort with this should be discussed during the meeting. Initial concept drawings are attached for your review at the meeting on June 11, but these have not yet been reviewed by staff.

Overall I think this proposal represents an adaptation to current circumstances while meeting the original goals for the project. Once the concept and budget are approved by the DDA Board of Directors, DDA staff will reach out to the Executive Director of Affirmation to discuss the concept in more depth and ensure they are engaged throughout the process.

#### **BUDGETARY CONTEXT**

The approved budget for FY20 included \$15,000 for the Affirmations Bench in 248-000-977.000- Capital Outlay.

Director Stevens recommends that this project budget be set at an amount not to exceed \$10,000, including engineering and design services. This budget would be inclusive of grant funds received and not in addition to those funds.

Given the timeline, these expenses would likely be split between FY20 and FY21. The final expense will be presented in the budget review/amendment process currently scheduled for September 2020.

**CIP#**

#### **ATTACHMENTS**

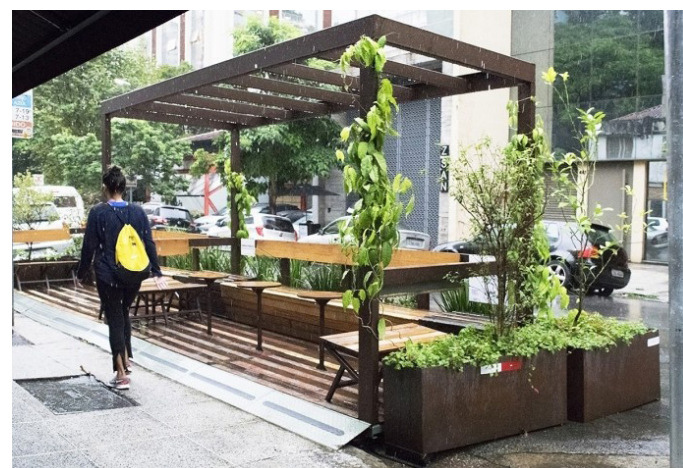
[Initial Ferndale Parklet Concepts.pdf](#)

#### **STRATEGIC PLANNING CONTEXT**

#### **RECOMMENDED ACTION**

Approve new conceptual approach and budget for the bench to be located on the sidewalk in front of 290 W Nine Mile Road



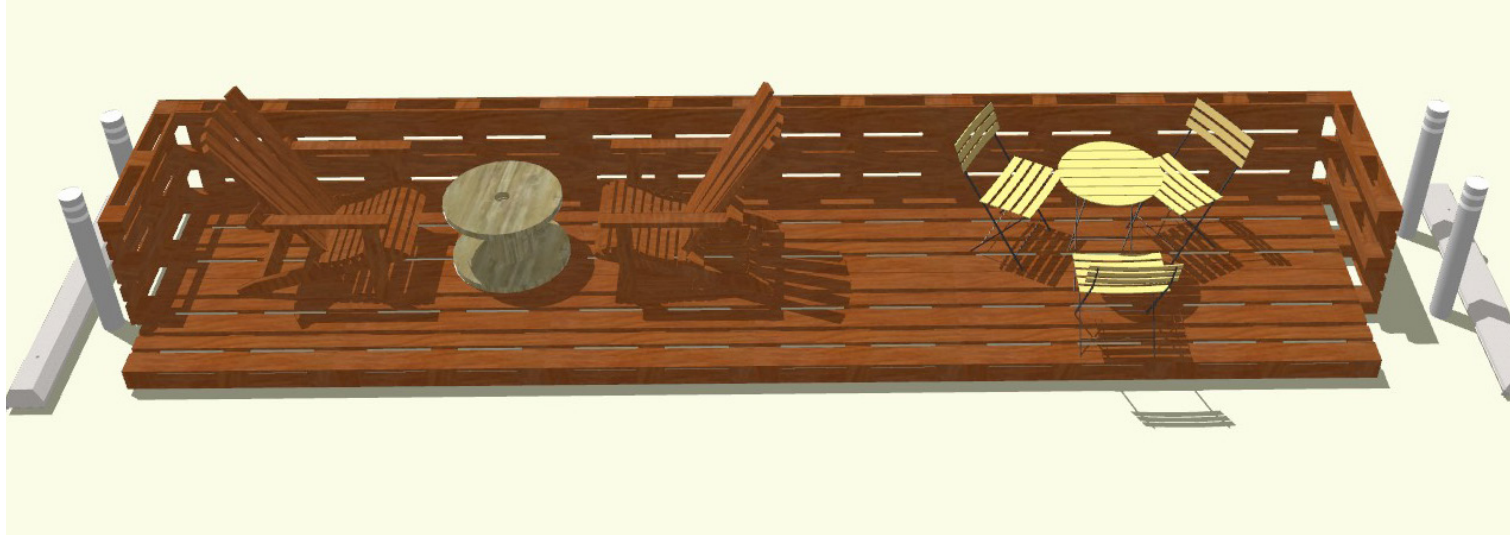




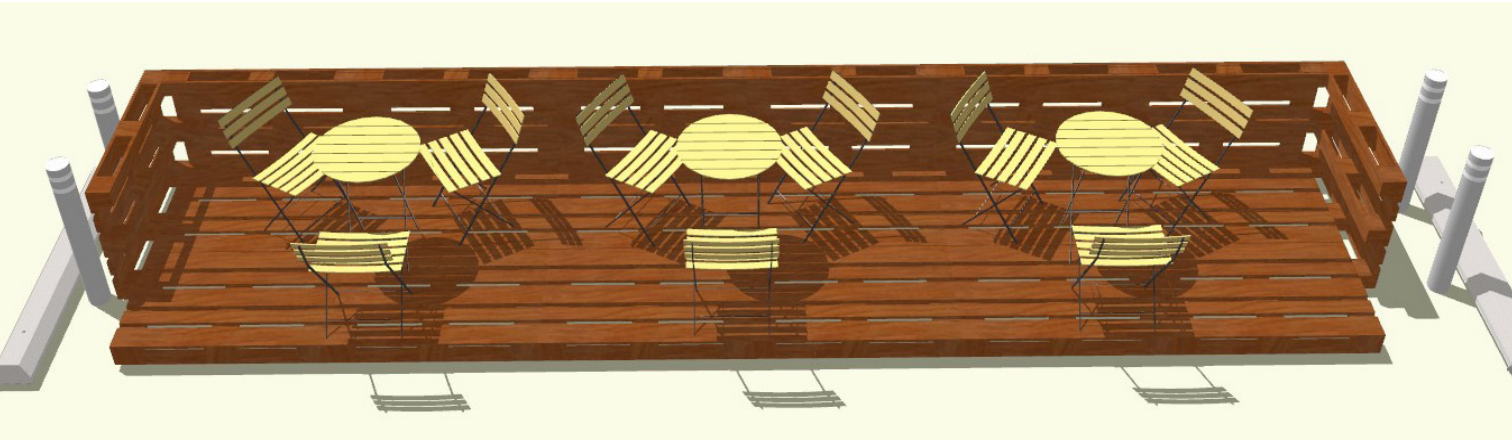
1.a



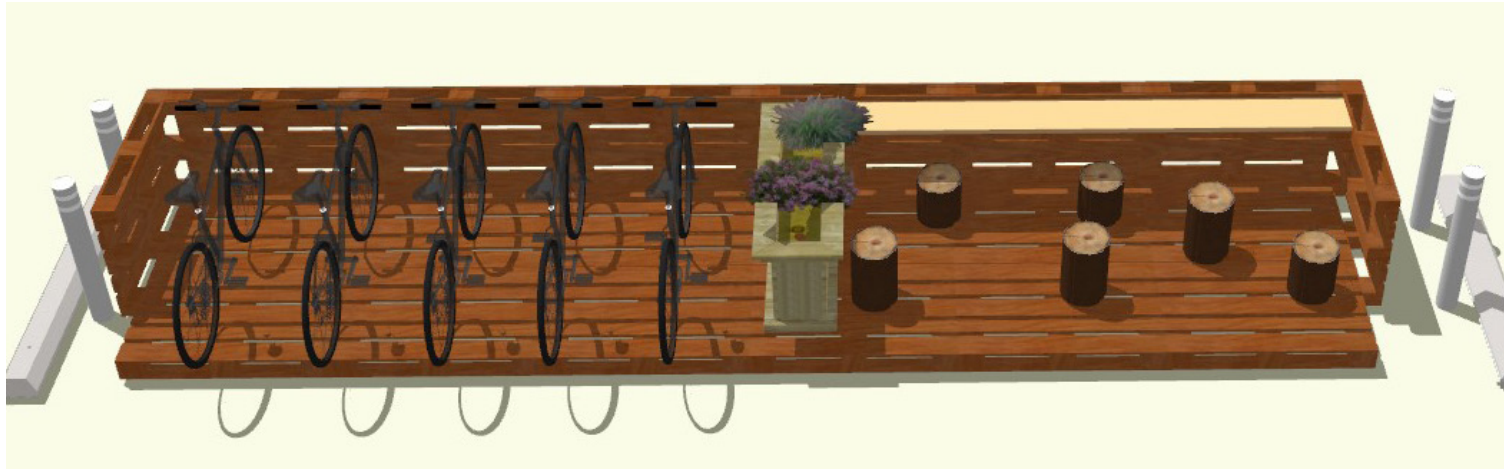
1.b



1.c

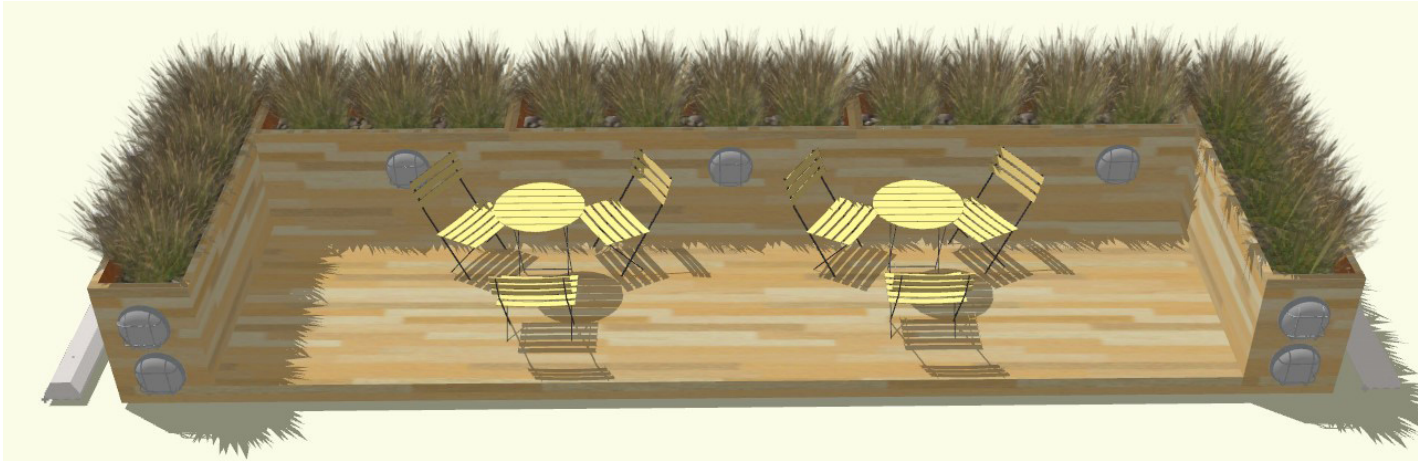


1.d





2.a



2.b



2.c



2.d





3.a



3.b



3.c

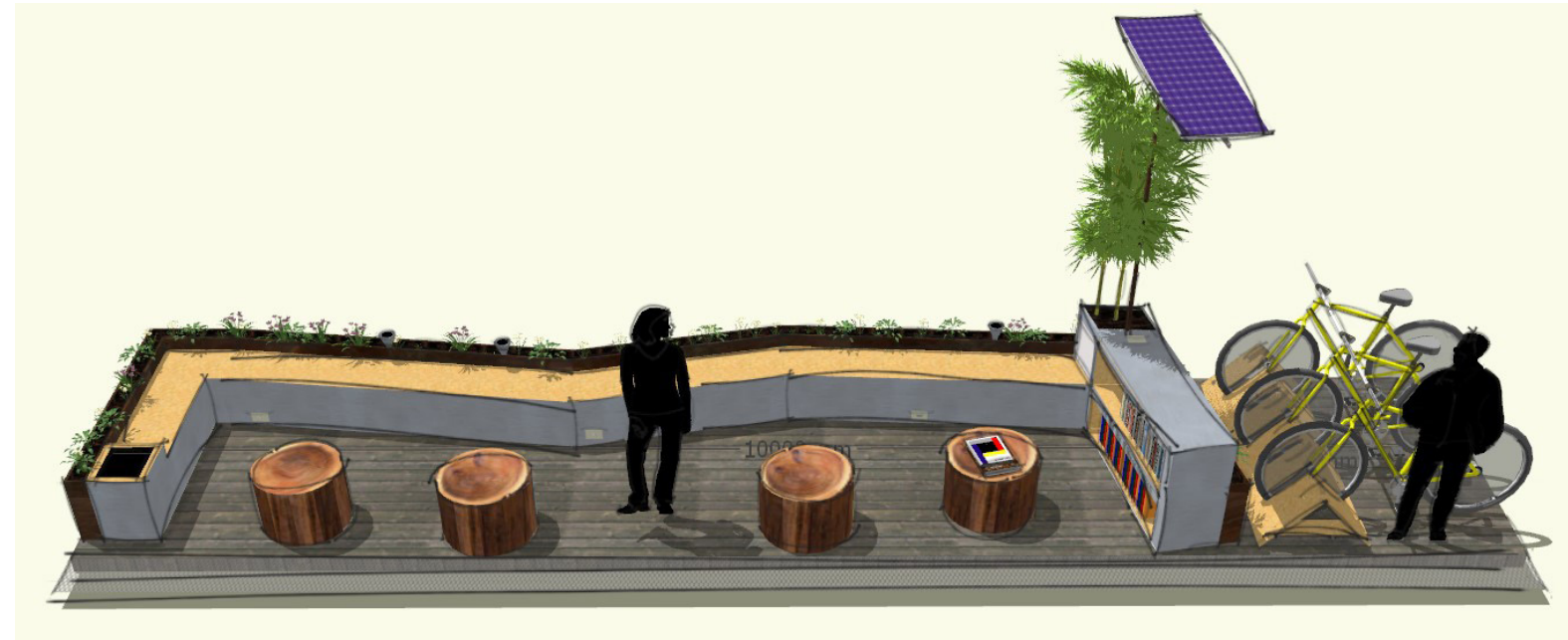


3.d





4.a



4.b

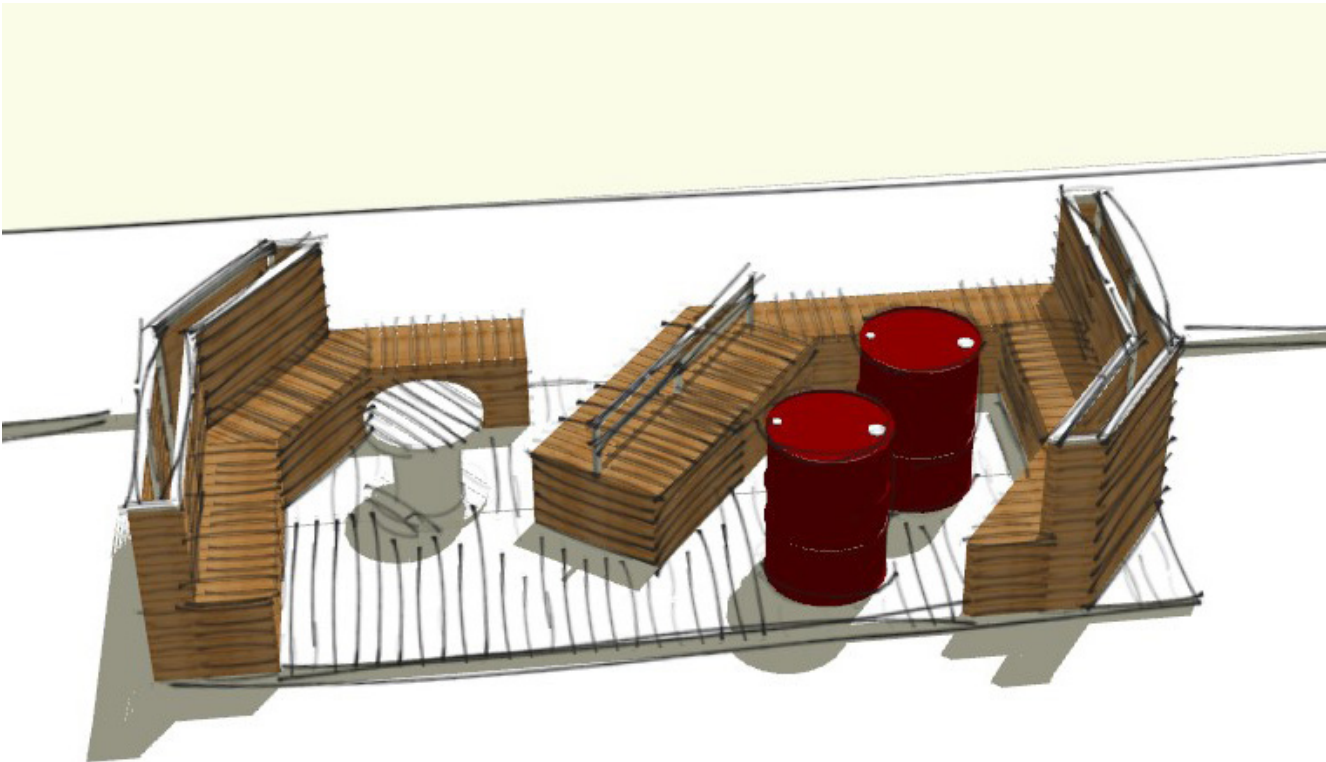
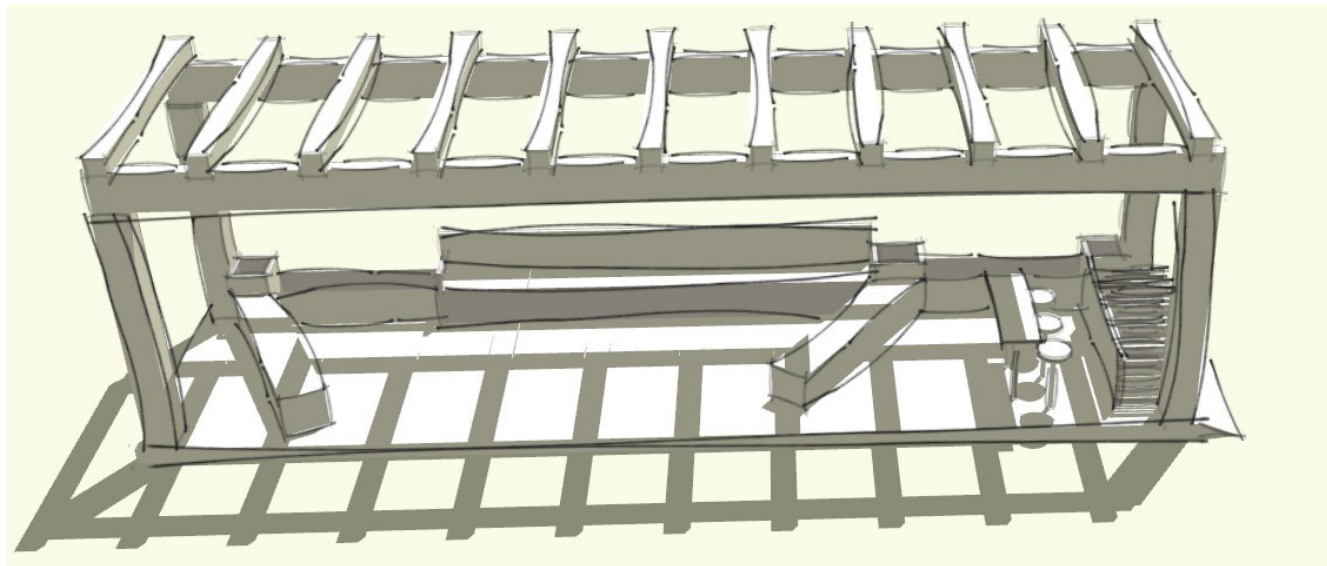




5.a



5.b



5.c



5.d

**CITY OF FERNDALE  
REQUEST FOR COUNCIL ACTION**

**FROM:** Lena Stevens

**SUBJECT:** Resolution in Support of the City of Ferndale City Council's Declaration of Commitment to Antiracism

**INTRODUCTION**

The City of Ferndale, Michigan City Council adopted a Declaration of Commitment to Antiracism at their regular meeting on June 8, 2020. This resolution from the Ferndale DDA provides formal support to that initiative and a commits to supporting this initiative with intentional efforts to promote a culture of antiracism in Downtown Ferndale.

**SUMMARY & BACKGROUND**

The City of Ferndale and the Ferndale DDA mourn the death of George Floyd and offer condolence and support to his family, friends, and community. His death, among too many others, has highlighted the need to dismantle systems of injustice and to rebuild with antiracist systems of justice and equity.

On June 8, 2020, the City Council passed A Declaration of Commitment to Antiracism. They publicly asserted that racism is a public crisis affecting our nation, state, county, region and city. They have made a commitment to progress as an equity and justice-oriented community, with the Ferndale City Council and its staff leadership continuing to ensure that antiracism principles and practices guide the City of Ferndale's operations. They have directed their staff in all City departments to work with Council and the public to make recommendations for implementing antiracist policies in all facets of our organization.

The Ferndale DDA would like to take this moment to not only offer support for this vision, but also commit to supporting it's implementation with intentional efforts that promote a culture of antiracism in Downtown Ferndale. We can admit that we don't yet know what that looks like, while stating unequivocally and with one voice that we recognize the pain and damage caused by racism against communities of color. We can recognize the devastating impact that racism causes for business owners and employees as well as residents and visitors to Ferndale- and commit to supporting change.

It's time to ask questions and listen to what changes need to be made. As the Ferndale DDA supports our business community's recovery from COVID-19, we are already facing a time of deep reflection. This can serve as a learning moment for us to evaluate our history and think about how we could do things differently in the future.

**BUDGETARY CONTEXT**

N/A

**CIP#**

**ATTACHMENTS**

[Resolution of Support for Ferndale Declaration of AntiRacism.pdf](#)

**STRATEGIC PLANNING CONTEXT**

Safe, Protected, Engaged Community

**RECOMMENDED ACTION**

Adoption of resolution in Support of the City of Ferndale City Council's Declaration of Commitment to Antiracism

**FERNDALE DOWNTOWN DEVELOPMENT AUTHORITY  
BOARD OF DIRECTORS RESOLUTION**

A MEETING OF THE CITY OF FERNDALE DOWNTOWN DEVELOPMENT AUTHORITY BOARD OF DIRECTORS  
HELD VIRTUALLY, ON JUNE 11, 2020;

RESOLUTION – The Downtown Development Authority Board of Directors supports the City of Ferndale City Council’s Declaration of Commitment to Antiracism and commits to supporting this initiative with intentional efforts to promote a culture of antiracism in Downtown Ferndale.

Moved by Board Member \_\_\_\_\_, Seconded by Board Member \_\_\_\_\_  
To adopt the following Resolution:

WHEREAS, the City of Ferndale Downtown Development Authority (referred to as the “DDA”) Board of Directors, does hereby find as follows:

WHEREAS, the City of Ferndale, Michigan City Council adopted a Declaration of Commitment to Antiracism at their regular meeting on June 8, 2020;

WHEREAS, this commitment represents a critical recognition of the role that the city plays in striving to support antiracism and addressing discrimination by dismantling racial structures to achieve equality;

WHEREAS, the Ferndale Downtown Development Authority recognizes the devastating impact that racism causes for communities of color, both for business owners as well as residents and visitors to Ferndale;

WHEREAS, the Ferndale Downtown Development Authority recognizes that we must do our part in collaboration with the City of Ferndale to examine our own operations and find ways that we can promote a culture of antiracism, diversity, and inclusiveness in Downtown Ferndale;

NOW, THEREFORE, BE IT HEREBY PROCLAIMED that the City of Ferndale DDA Board of Directors of the City of Ferndale, Michigan, formally supports the City Council’s Declaration of Commitment to Antiracism and commits to supporting this initiative with intentional efforts to promote a culture of antiracism in Downtown Ferndale.

Roll Call

Ayes:

Nays:

Abstained:

Absent:

Resolution is adopted this day, June 11, 2020 by the Ferndale DDA Board of Directors.

**CITY OF FERNDALE  
REQUEST FOR COUNCIL ACTION**

**FROM:** Lena Stevens

**SUBJECT:** Downtown Maintenance Report

**INTRODUCTION**

Update from the Department of Public Works regarding maintenance contract for Downtown Ferndale.

**SUMMARY & BACKGROUND**

The focus in May 2020 has been flowers, flowers, flowers. DPW prepped flower beds and has been planting almost every day for the past several weeks. All hanging baskets are in place and the remaining plantings are expected to be completed by June 5. Regular scheduled watering will be taking place until it's time to remove the flowers.

**BUDGETARY CONTEXT**

Downtown Maintenance for Fiscal Year 2020 is budgeted at \$165,000 (not including plant material). Total spend for May 2020 was \$13,640 for a total of \$110,641 in FY20. This represents a decline from what would have been expected given the demand decrease and operational impacts caused by COVID-19.

Invoices for flowers, mulch, and other plant material should be expected in June as DPW prepares downtown for summer. The annual budget for plant material was set at \$20,000 in FY20 which was the first year it was given a specific line item. As invoices come in during spring/summer we will be able gauge if this is an accurate representation.

**CIP#**

**ATTACHMENTS**

[May 2020 DDA Flower Pickup.pdf](#)

**STRATEGIC PLANNING CONTEXT**

**RECOMMENDED ACTION**

Update from the Department of Public Works regarding maintenance contract for Downtown Ferndale.



## May 2020 DDA Flower Pickup

Kutchey Family Farm- Macomb, MI

<https://www.facebook.com/pg/kutcheyfamilyfarm/>





**CITY OF FERNDAL  
REQUEST FOR COUNCIL ACTION**

**FROM:** Lena Stevens  
**SUBJECT:** Ferndale DDA Updates

**INTRODUCTION**

Updates provided by the DDA Executive Director (or Interim Director) and/or Engagement Manager on previous month's activities and programs.

**SUMMARY & BACKGROUND**

Updates from May 2020:

Jordan Twardy

- Distribution update for PPE ReOpen Kits from Oakland County
- Economic Prosperity Team update
- Open in Ferndale update

Sommer Realy

- Patronicity Crowdfunding project update and next steps
- Window decal design proposal
- Library furniture purchase for courtyard

Jacki Smith

- DDA Board of Directors COVID-19 Outreach Project

**BUDGETARY CONTEXT**

N/A

**CIP#**

**ATTACHMENTS**

**STRATEGIC PLANNING CONTEXT**

**RECOMMENDED ACTION**

Review updates on the previous month's activities and programs.