



# The City of Ferndale

## Agenda

**Monthly meeting of the DDA Board of Directors to conduct regular business. Downtown Development Authority Meeting**

**THURSDAY, AUGUST 10, 2023 @ 8:00 AM**

**Ferndale City Hall**

**City Council Chamber**

**300 East Nine Mile Road**

**Ferndale, MI 48220**

- 
1. **Call to Order & Roll Call**
  2. **Approval of Agenda** Chair asks those in favor to say, "aye", those opposed to say "no". Any member may ask for a change in the agenda to add or move an item. The entire Board must vote on the change.
  3. **Community Reports** Updates from any community organizations in attendance such as the Ferndale Area District Library, representatives of other Boards and Commissions, etc. (3 minute time limit)
  4. **Call to Audience** Members of the public are invited to speak on any topic. (3 minute time limit)
  5. **Presentations**
    - 5.a [Presentation of the City's Newly Designed Website, www.ferndalemi.gov](http://www.ferndalemi.gov)
    - 5.b [Presentation on the City of Ferndale Zoning Ordinance Rewrite](#)
    - 5.c [Presentation to Review Grant-Funded Research and Recommendations on Improving Services Through a Tiered Rate Structure for the Shared Compactor Areas in Ferndale's Central Business District](#)
  6. **Consent Agenda** These items are not discussed in detail, and are voted on as a whole. Any member may ask during Approval of Agenda discussion that an item be moved from Consent to Regular Agenda. Chair asks those in favor to say, "aye", those opposed to say "no".
    - 6.a [Approve Minutes from June 8, 2023](#)
  7. **Regular Agenda** These items are discussed and voted on individually. Chair asks those in favor to say, "aye", those opposed to say "no". Any member may move for a exact count.
    - 7.a [Consideration to Approve of the License Agreement with 165 E. 9 Mile LLC for the use of 165 East Nine Mile For an Annual Cost Not to Exceed \\$12,000](#)
  8. **Call to Board Members** Members are provided an opportunity to share general updates,

questions, concerns, etc.

9. **Information Items from Executive Director** General updates, dates to remember, and other items from the Executive Director. Any member can request that the Director come prepared to speak on a certain topic during this portion of the meeting.

- 9.a Sommer Realy, Acting Director + Engagement Manager will provide an overview of the information included in weekly status emails.

10. **Adjournment**



August 10, 2023

Downtown Development Authority

**CITY OF FERNDAL  
REQUEST FOR COUNCIL ACTION**

**FROM:** Sommer Realy

**SUBJECT:** Presentation of the City's Newly Designed Website, [www.ferndalemi.gov](http://www.ferndalemi.gov)

**SUGGESTED ACTION**

No action required

**Agenda Item Category**

Other

**Agenda Item Deadline Date**

2023-08-10

**Item Description**

The Communications Director; Kara Sokol will provide a presentation and brief overview of the City's newly designed website, [www.ferndalemi.gov](http://www.ferndalemi.gov), which launched on June 30. The presentation will highlight where to locate DDA board member application, meeting calendar, agendas, new design features, important navigational changes, and key accessibility improvements.

**Item Background**

Following a four-month RFP and interview process led by the Communications Department, City Council approved the contract with Hadrout Design for redesign and development of the City's website at their November 28, 2022 meeting. The new site was designed and developed between January and mid-June and was launched on June 30.

The Communications Director chose to hold a soft launch (i.e. launch without fanfare or publicity) to allow time for internal review and fixes. This is especially common in small departments; it takes a staff of two considerably longer to test and repair a new site than it would a staff of 20. The official launch will occur on Monday, July 24, in coordination with the Council meeting.

**Item Costs**

N/A

**GL#**

N/A

**CIP#**

N/A

**Additional Notes**

**ATTACHMENTS:**



August 10, 2023

Downtown Development Authority

**CITY OF FERNDAL  
REQUEST FOR COUNCIL ACTION**

**FROM:** Sommer Realy

**SUBJECT:** Presentation on the City of Ferndale Zoning Ordinance Rewrite

**SUGGESTED ACTION**

No action required

**Agenda Item Category**

Other

**Agenda Item Deadline Date**

2023-08-10

**Item Description**

Community and Economic Development (CED) Department staff, Kyle Bryce will provide an update on the ongoing zoning ordinance rewrite and seeking input on Downtown Design standards. This presentation will include information on work already completed, upcoming and planned public engagement sessions, and the general timeline of the full process. [www.zoneferndale.com](http://www.zoneferndale.com)

**Item Background**

The City of Ferndale is updating its zoning ordinance, which shapes the way we live, work, and play in our beautiful community. The primary goal is to create a sustainable, inclusive, modern, and user-friendly code, consistent with the 2022 Master Plan and Climate Action Plan. The City is working hard to ensure this process reflects the vision of all Ferndale residents and stakeholders, and we want to hear from YOU.

**Item Costs**

N/A

**GL#**

N/A

**CIP#**

N/A

**Additional Notes**

**ATTACHMENTS:**



August 10, 2023

Downtown Development Authority

**CITY OF FERNDALE  
REQUEST FOR COUNCIL ACTION**

**FROM:** Sommer Realy

**SUBJECT:** Presentation to Review Grant-Funded Research and Recommendations on Improving Services Through a Tiered Rate Structure for the Shared Compactor Areas in Ferndale's Central Business District

**SUGGESTED ACTION**

No action required

**Agenda Item Category**

Other

**Agenda Item Deadline Date**

2023-08-10

**Item Description**

Clair Dion, Zero Waste Manager will present on behalf of the fellowship research that was conducted. The 2020 Downtown Waste Reduction and Recycling Master Plan recommended moving toward a tiered rate structure for the City's shared compactor areas. This presentation will outline data collected and analyzed over the past two months from multiple stakeholders, and will provide potential next steps toward creating an effective tiered rate system and improving service in the shared compactor/recycling areas.

**Item Background**

This research fellowship is funded through Michigan's Department of Energy, Great Lakes & Environment (EGLE)'s Catalyst Leadership Circle program. Ferndale's membership in this program is due to its ongoing and outstanding sustainability commitments. The eventual implementation of a Tiered Rate system has the potential to generate revenue that would be reinvested into improved community services.

The City has participated in the Catalyst Leadership Circle (CLC) Fellowship Program for the second year in a row. CLC Fellow Nora Bundy will present her work after supporting the City of Ferndale for ten weeks to build a recommendation for tiered downtown sanitation rates to help support goals of the Downtown Waste Plan. Shared recycling and compactor services in the CBD are currently funded

through property taxes and special assessment rates on a per-parcel basis. This rate is not tied to the type of business, nor the amount or type of waste the parcel is generating. In a tiered structure, businesses (not parcels) that generate more waste are charged more. The 2020 Plan suggested tiered sanitation rates as a way to more equitably encourage waste reduction and provide funding for improved services in the shared compactor areas downtown.

**Item Costs**

N/A

**GL#**

N/A

**CIP#**

N/A

**Additional Notes**

**ATTACHMENTS:**





August 10, 2023

Downtown Development Authority

**CITY OF FERNDALÉ  
REQUEST FOR COUNCIL ACTION**

**FROM:** Sommer Realy

**SUBJECT:** Approve Minutes from June 8, 2023

**SUGGESTED ACTION**

Approve Minutes from June 8, 2023

**Agenda Item Category**

Operational Item

**Agenda Item Deadline Date**

2023-08-10

**Item Description**

Meeting minutes are notes that are recorded during previous meetings. They highlight the key issues that are discussed, motions proposed or voted on, and activities to be undertaken.

**Item Background**

N/A

**Item Costs**

N/A

**GL#**

N/A

**CIP#**

N/A

**Additional Notes**

**ATTACHMENTS:**

[DDA Board Meeting Minutes\\_June 8, 2023.pdf](#)



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

**1. CALL TO ORDER: TIME 8:03 AM**

MEMBERS PRESENT: Vice Chair Sarah Brown, Treasurer Omar George, Secretary JeDonna Dinges, Jess Minnick, Metari Harris, Chair PJ Jacokes, Toly Ashkenazi, Council Person Greg Pawlica and Jerome Raska

MEMBERS ABSENT: Mayor Melanie Piana

STAFF PRESENT: Sommer Realy, Acting Director + Engagement Manager

GUESTS: Jenny Marr; Executive Director for the Ferndale Public Library, Joe Gacioch; City Manager for City of Ferndale, Annaka Norris; of Main Street Oakland County; Bruce Campbell, Director of Park Ferndale; Michael Hennes; owner of Howe's Bayou, Chelesa; General Manager of Bakehouse46, Shana Preuett; awarded mural artist at the Bakehouse46 location

**2. APPROVAL OF AGENDA**

*Motion by Chair PJ Jacokes seconded by Vice Chair Sara Brown, to approve the agenda with addition of Main Street Now award announcement as a presentation 5.b.*

*AYES – Vice Chair Sarah Brown, Treasurer Omar George, Secretary JeDonna Dinges, Jess Minnick, Metari Harris, Chair PJ Jacokes, Toly Ashkenazi, Council Person Greg Pawlica and Jerome Raska*

*NAYS- None*

*All ayes, motion carries.*

**3. COMMUNITY REPORTS**

- a. Jenny Marr, Ferndale Area District Library  
Mentioned the Amazon wish list for Pride books due to a protest organization that checked out all LGBTQ related books that will not be returned. Asked for community support to help rebuild the collection.
- b. Joe Gacioch, City Manager provided a verbal overview on the printed handouts that were provided to attendees and the board of directors about development at 141 Vester. Bruce Campbell, Director of Park Ferndale provided information on the current studies and research taking place. Mentioned that currently it is a pay by space environment, and he is working towards moving towards individual license plate with credentials, text to pay, scan to pay. States that the permit holder ideas will be considered as the plans are being constructed. consideration. The City Manager, Joe Gacioch, will continue parking studies and collecting numbers. An outside firm will also perform a parking study. A report will be provided in the future.

#### **4. CALL TO AUDIENCE**

- a. Michael Hennes, owner of Howes Bayou addresses the board and City Manager with his concerns about parking near his business. When the private surface lot at 141 Vester is closed, business is slower, the absorption is not accurate. States he experiences 20% drop in business. As soon as the private surface lot reopened business increased. He questioned, moving forward, if analyzing the parking studies from past compared to current and today will happen. The timing of the approval process for business and public was difficult. Michael asked if these issues were all brought up during council and planning meetings and if the old parking studies were in consideration at time of approval. Pre and post pandemic, ride share policy needs to be modernized for ride share, change is happening now.

Greg Pawlica spoke on behalf of the planning commission stating the planned unit development project was presented with the request of rezoning.

Metari Harries mentioned that the board's discussion about solutions does happen, and your business is being considered. We hear you!

- b. Chelesa the General Manager of Bakehouse46 and artist Shana Preuett introduced themselves to the board and audience. They shared their excitement over being included in the Downtown Mural Program "You Belong Here" theme. Offered attendees cider and donuts.

#### **5. PRESENTATIONS**

##### **5.a Main Street America Accreditation**

Annaka Norris presented the Ferndale Downtown Development Authority with the accreditation award from Main Street America. Twelve Oakland County communities met the challenging performance standards required to receive national accreditation from Main Street America (Chicago): Berkley, Clawson, Farmington, Ferndale, Franklin, Highland, Holly, Lake Orion, Ortonville, Oxford, Rochester and Royal Oak.

This annual accreditation process recognizes a Main Street Oakland County (MSOC) community's exceptional commitment to preservation-based economic development and community revitalization through the Main Street Approach™.

Each community is evaluated in 6 categories where they must meet or exceed the requirements. The accreditation process scores the communities on criteria such as community support, historic preservation, mission, and vision statements, having a paid professional manager and ongoing training.

#### **6. CONSENT AGENDA**

##### **6.a Approval of Minutes from May 11, 2023**

##### **6.b Approval to Sell PATIO Zone Cups to Businesses with Approved Social District Permits**

*Motion by Jerome Raska seconded by Vice Chair Sara Brown, to approve the consent agenda.*

*AYES - Vice Chair Sarah Brown, Treasurer Omar George, Secretary JeDonna Dinges, Jess Minnick, Metari Harris, Chair PJ Jacokes, Toly Ashkenazi, Council Person Greg Pawlica and Jerome Raska*

*NAYS – None*

***All ayes, motion carries.***

## **7. Regular Agenda**

### **7.a Approval of the 2023 Downtown Ferndale Mural Program Contracts**

Motion by Vice Chair, Sarah Brown seconded by Jerome Raska to approve contracts with the artists and property owners for the 2023 Downtown Ferndale Mural Program as recommended by the advisory selection committee and Acting Director.

*AYES – Vice Chair Sarah Brown, Treasurer Omar George, Secretary JeDonna Dinges, Jess Minnick, Metari Harris, Mayor Melanie Piana, Chair PJ Jacokes, Toly Ashkenazi, and Jerome Raska*

*NAYS – None*

***All ayes, motion carries.***

### **7.b Approval of Amendments to FY23 and FY24 Budget**

Motion by Vice Chair, Sarah Brown seconded by Jerome Raska to approve the 4th quarter budget amendments for FY23 and 1st quarter budget amendments FY24, as recommended by the Acting Director.

*AYES – Vice Chair Sarah Brown, Treasurer Omar George, Secretary JeDonna Dinges, Jess Minnick, Metari Harris, Mayor Melanie Piana, Chair PJ Jacokes, Toly Ashkenazi, and Jerome Raska*

*NAYS – None*

***All ayes, motion carries.***

### **7.c Approval of Letter of Support for Revitalization and Placemaking 2.0 (RAP 2.0) Grant Application by Main Street Oakland County and Oakland County**

Motion by Vice Chair, Sarah Brown seconded by Jerome Raska to approve the letter of support for Revitalization and Placemaking 2.0 (RAP 2.0) grant application by Main Street Oakland County and Oakland County.

*AYES – Vice Chair Sarah Brown, Treasurer Omar George, Secretary JeDonna Dinges, Jess Minnick, Metari Harris, Mayor Melanie Piana, Chair PJ Jacokes, Toly Ashkenazi, and Jerome Raska*

*NAYS – None*

***All ayes, motion carries.***

**8. Call to Board Members**

N/A

**9. Information Items from Executive Director**

Acting Director, Sommer Realy stated that there would not be a July board meeting and encouraged members to attend the Nine-on-Nine concert series at Schiffer Park. Requested members to attend upcoming ribbon cuttings for Imani Immersive Gallery and Les Stanford. The vision committee is on hiatus.

**10. ADJOURNMENT**

Motion by Jerome Raska, seconded by Metari Harris to adjourn the meeting at 10:15

*AYES – Vice Chair Sarah Brown, Treasurer Omar George, Secretary JeDonna Dinges, Jess Minnick, Metari Harris, Mayor Melanie Piana, Chair PJ Jacobs, Toly Ashkenazi, and Jerome Raska*

*NAYS – None*

***All ayes, motion carries.***



August 10, 2023

Downtown Development Authority

**CITY OF FERNDALE  
REQUEST FOR COUNCIL ACTION**

**FROM:** Sommer Realy

**SUBJECT:** Consideration to Approve of the License Agreement with 165 E. 9 Mile LLC for the use of 165 East Nine Mile For an Annual Cost Not to Exceed \$12,000

**SUGGESTED ACTION**

Authorize the Executive Director to approve the attached license agreement with 165 East Nine Mile LLC for an annual cost of \$12,000 to be paid for from account 248-000-818-000 as submitted by the Interim DDA Director.

**Agenda Item Category**

Operational Item

**Agenda Item Deadline Date**

2023-08-10

**Item Description**

The property located at 165 East Nine Mile Road, owned by 165 E. 9 Mile, LLC has been licensed by the Ferndale DDA since the onset of the pandemic to create additional outdoor gathering space. During the May 2023 board meeting, the Executive Director brought this item up for discussion.

Board members discussed and determined that the DDA should keep it as long as possible and support continuing the lease. Other discussion included that the lease and or rental agreements with property owner supports local businesses can utilize space and activate area with pop up events, recommended an installation of share areas with kite shades, placement of a sign that states the DDA is leasing it and activate it as an art park.

The current lease has expired. The Acting Director, Sommer Realy, spoke with the property owner and requested a lease extension. The property owner has agreed to continue this partnership with a new lease and new terms. The Downtown Development Authority is the licensee, 165 E. 9 Mile, LLC is the licensor.

**NEW TERMS:**

- The associated cost has increased to \$1,000 per month from \$500 a month. (\$100 is deducted for grass cutting services provided by the DPW)
- Rental of property for special events is handled by the Licensor and the licensee cannot receive compensation.
- All assets the DDA has put into place will need to be removed immediately if an agreement is not

approved. These items are: flowers boxes, stadium stand, chairs, picnic tables, trash/recycling bins, hand sanitizer station, dog poop station and pallet wall.

**Item Background**

Lease has been in place since Pop up park lease for use of 165 E Nine Mile at the corner of Bermuda and East Nine Mile is the last covid policy in place to discuss. First payment took place on July 8, 2020. Lease costs \$400 a month in summer and \$500 in winter.

**Item Costs**

The budget for this lease will increase from \$6,000 to \$12,000 for the FYE 24 budget. If approved, this adjustment will be reflected during the City's first quarter budget adjustment scheduled for October, 2023.

**GL#**

248-000-818.000

**CIP#**

N/A

**Additional Notes**

**ATTACHMENTS:**

[165 Lease 2023.pdf](#)

## LICENSE AGREEMENT

This License Agreement has been entered into as of the date noted below, by and between 165 E 9 Mile, 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 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 One Thousand dollars per month (\$1,000) for a total of twelve thousand dollars (\$12,000) per year, plus other good and valuable consideration, the receipt of which is hereby acknowledged (“License Fee”). Should grass cutting services be provided by Licensee one hundred dollars (\$100) per month will be credited towards Licensee’s License Fee during applicable months.

4. *Term of License.* This License shall commence upon execution of this Agreement by both parties, but in no event later than July 1, 2023, and end on June 30, 2023. 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 License Fee 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 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 Licensors 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 Licensors, such consent to be withheld in Licensors's sole and absolute discretion. For the avoidance of doubt, this Paragraph's consent requirement shall apply to any proposed use of the Premises by any third parties for a "special event" (e.g., Dream Cruise, music festival, and/or art festival). Furthermore, any fees or payments for the use of the Premises by any third-party for such "special event" shall be separately negotiated by and paid directly to Licensors.

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, 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 FERNDALE  
REQUEST FOR COUNCIL ACTION**

**FROM:** Sommer Realy

**SUBJECT:** Sommer Realy, Acting Director + Engagement Manager will provide an overview of the information included in weekly status emails.

**SUGGESTED ACTION**

No action required

**Agenda Item Category**

Other

**Agenda Item Deadline Date**

2023-08-10

**Item Description**

-Contract with AI Lifestyle has expired and will not be extended. Previous Executive Director, Lena Stevens provided the DDA with transitional services for 60 days under the contract with AI Lifestyle. During that time the Acting Director worked with her to transfer user names, subscriptions associated with the terminated credit card, Woodward Moves communication support and updates to the downtown Ferndale website.

-Downtown Mural Program installations are completed. The Vision Committee, lead by member Jess Minnick with the help of this committee is organizing a Fall Art Walk to support the businesses community and celebrate the art installations that were part of this 1st annual program. Acting Director is in process of finalizing all paperwork, payments and grant obligations to close out program.

-Woodward Moves, the Department of Public Works and the Downtown Development Authority will present to council on August 14, 2023. This presentation will include all steps of this project has taken and what is remaining. Contract with Franco ends on September 23rd, 2023. Construction is expected to be complete by late October 2023.

-Time moves fast, let us look ahead a bit....Ferndale Dream Cruise, Art Fair Weekend, Trick or Treating downtown, Late Night Shopping nights, PATIO zone and more.

**Item Background**

As of August 10, 2023 it will be 2 months and 8 days since Sommer Realy was appointed as the DDA Acting Director on June 2, 2023.

**Item Costs**

N/A

**GL#**

N/A

**CIP#**

N/A

**Additional Notes****ATTACHMENTS:**