

## **Nederland Downtown Development Authority Minutes for December 17, 2009**

**Board members present:** Bunny Spangler, Ron Mitchell, Steve Culver, Director Paul Turnburke, Teresa Warren, Ken Adler, Betty Porter and Will Guercio.

**Also present:** Lynn Hirshman, Susan Tate, Mayor Martin Cheshes, Jim Stevens, Mark Cohen and Mike Massa.

Meeting called to order at 8:08 A.M.

1. Under Public Comment; Ron Mitchell said he asked his tenants who run businesses along First St. about the limited time parking idea. Ron said they were all against limited time parking on the first eight spaces. They would rather see limited time parking along the entire business section of First St. or no limits at all. This idea was seconded by others in attendance.

2. Paul Turnburke gave his Director's report and said the sidewalk project has been put on hold for the winter. Paul said New Design Construction would return to work when the weather starts to get better and temperatures are better for concrete and asphalt work.

Paul said that he would like to see Tim Underwood look into leasing a utility vehicle with various attachments for snow removal to experiment with and see what works best on the new sidewalks. Paul asked Jim Stevens if it would be okay to approach Tim Underwood to look into what might be available in early 2010. He said yes.

3. Betty Porter reported on the BOT meeting. The BOT unanimously approved a cell phone tower and unanimously picked Marci Wheelock to fill the Board seat vacated by Dallas Masters.

4. Teresa Warren updated us on the parking situation along First St. Teresa said there are still three or four people parking all day in prime spaces along First St. and the highway between First and Second St. Teresa said they will continue to monitor the situation into Feb. and then decide how to proceed. Mayor Martin Cheshes said if the limited time parking comes before the BOT he would recommend they either have limited time parking for all spaces along First St. or no limited time parking at all. Teresa said she would send out the report on limited time parking that was printed in The Mountain Ear to all the effected businesses in case they hadn't read the paper.

5. First up under old business was the approval of the job description for the Nederland Downtown Development Authority Executive Director position. Teresa Warren said that after reviewing state statutes, that Paul Turnburke's job description covers all those areas. Teresa Warren said her research also found other items that the NDDA should look into and asked the NDDA Secretary to look into getting an official seal for the NDDA.

Betty Porter made a motion:

To accept the job description for the Executive Director of the Nederland Downtown Development Authority, as written by Paul Turnburke.

Bunny Spangler 2<sup>nd</sup> the motion. Motion was approved unanimously.  
#121709-1.

6. Next up was a discussion about hiring Paul Turnburke & Associates as Executive Director of the NDDA. Paul Turnburke said he would accept the job and would continue to inform the NDDA about any projects he feels should be separate from his Director duties and would be billed appropriately.

Ron Mitchell made a motion:

To approve Paul Turnburke & Associates as Executive Director of the Nederland Downtown Development Authority.

Bunny Spangler 2<sup>nd</sup> the motion. Motion was approved unanimously.  
#121709-2.

7. Approval of bills. Mike Massa said there was only one bill needing approval at this time and that was for renewal of the Post Office Box for \$44.00. Two other bills have been paid that were previously approved through the sidewalk project. One for \$143,000.00 to New Design Construction and one for \$13,000.00 to Loris & Assoc.

Betty Porter made a motion:

To approve for payment \$44.00 for renewal of the NDDA post office box.

Ron Mitchell 2<sup>nd</sup> the motion. Motion was approved six for and one opposed.  
#121709-3.

8. Mike Massa handed out an updated financial statement for the NDDA that was up to date on the sidewalk project and CDOT payments. Mike said

that our TIF monies will be slightly above our 2009 budget and that most likely we will not see anymore TIF payments this year.

Mike Massa said the sidewalk project costs and payments were right where they should be at this time. Mike said everything is flowing smoothly and he will look into putting some excess NDDA funds into savings.

Mike said he submitted a bill to Mutual of Omaha Bank for their \$15,000.00 contribution to the sidewalk construction in front of the bank. We are waiting on Kathmandu to bring us their receipts for their sidewalk construction before the NDDA will write them a check for \$6000.00 for the changes the NDDA requested.

7. Teresa asked if there were any changes for the minutes from our last meeting with the additional clarification from Betty Porter on a couple of items.

Betty Porter made a motion:

To approve the minutes from the December 3rd, 2009 DDA Board meeting as written and updated.

Ken Adler 2<sup>nd</sup> the motion. Motion was approved unanimously. #121709-4.

8. Under new business Teresa Warren asked Jim Stevens to come to our NDDA meeting to go over what is a change in use for a business or building and why does it require updating a building to current codes.

Jim Stevens said that getting the required permits has always been required per code #105.1. Jim said that some changes will require an inspection and a fee while others do not. It depends on the type of use by the business and also safety concerns. The inspection fee is not a tool for the Town to make money and that 80% goes to SAFEbuilt for their services. The inspections are to insure that the building is safe for occupancy. Jim said that any violations or questions can be appealed before the BOT. The Town uses the 2006 International Building Code guide.

Betty Porter said the BOT approved the building codes and added some additional items related to snow. Betty said the BOT could also change or remove any part of the code if they wished to do so.

Teresa Warren said the contract with SAFEbuilt is up for renewal/review the first of every year and she would like to see more clarification on what constitutes a change in use or occupancy that would trigger an inspection and upgrade to current building codes.

Local Attorney Mark Cohen provided copies of some of the Town codes and asked Jim Stevens if the Town has in place a structure for what

requires a permit and what doesn't. Mark Cohen also thought that section #105.1 and #3406.1 conflict with each other. Jim Stevens said that they both apply.

Mark Cohen said he would like to see the Town develop an application for a change of occupancy separate from any building permit requirements.

It was mentioned that it was very upsetting that after applying for and being approved for a sign permit and getting ready to open a business that another Town employee would contact the new business and say they needed another permit before opening the business. Why doesn't the Town let new businesses know up front all the different permits that may be required to open a new business in town?

Betty Porter said the Town is not out to punish the businesses in town or building owners, but the Town does want to make sure the buildings in town are safe for occupancy and their intended uses.

Paul Turnburke had questions about the terms of change of occupancy and change of use and would like to see these terms more clearly defined and how they are used in applications.

After much discussion and airing of complaints about the current situation some positive ideas were gathered. The NDDA would like to see the Town develop a checklist for all the required applications, permits, code inspections, etc., needed to open a new business. To coordinate the applications so that if one applied for a sign permit other depts would be notified of a possibility of a new business and change in use and could contact the new business owners to let them know of other requirements they may be responsible for. This way there would be no surprises to come later.

When the Town sends out a letter to the new business owner or building owner stating they are in violation of a certain code, also include in the letter what the procedures are to appeal these violations.

When these new ideas and checklists are complete it would be a good idea to send out all this information to current businesses and building owners so that everyone would know what is required by the Town. This way, when an existing business is thinking about changing or adding onto their current business or a prospective business owner inquires with a building owner about renting a space for their business, everyone will know what to do or at least where to start the process and what fees and costs might be involved. This could all be packaged as a starter business kit that would be available at Town Hall.

9. Agenda items to be considered for our next NDDA meeting.
  - a. Discussion of the Parking Study that was completed in March and how to proceed with that information.
  - b. Looking at other areas in town that could be used for parking.
  - c. Paul Turnburke would like to start looking into developing an action plan for future projects in town.
  - d. Look into the signage in town and what additional signs may be needed or what signs might be removed.

Our next DDA meeting will be on Thursday, January 7<sup>th</sup>, 2010. The meeting will take place at 8:00 A.M. at the Pioneer Inn, unless otherwise notified.

Meeting was adjourned at 9:55 AM.

Submitted by Stephen Culver, Secretary.