

Port of Bandon
Regular Commission Meeting &
Second Public Hearing for Port Ordinance Draft 2018-01
October 25, 2018 5:00pm
Bandon Public Library
Bandon, OR

Commissioners Present: Reg Pullen, Rick Goche, Donny Goddard, Wayne Butler

Commissioners Absent: Kelly Miles

Staff: Jeff Griffin Port Manager, Josh Adamson Project Coordinator, Kathy Reed Accounting

Guests: Lori Osborne, Bryan Kraynik, Lorraine Pool, Barbara Coulson, Sherri Merritt, LeeAnn Scarr, Karen Kay Pollin, Warner "Max" Pollin, John Towne, Peggi Towne, Bob Purdy, Vicki Affatati, Shawn Tempesta, Amanda Sosa

Commissioner Pullen called the meeting to order at 5:02

Commissioner Pullen asked for a motion to be made to approve the consent calendar. Commissioner Goche made a motion to approve the consent calendar as written. The motion was seconded by Commissioner Goddard. Motion passed unanimously.

Jeff presented a request by Greater Bandon Association (GBA) for a cioppino feed to be held December 8, 2018 in the Old Town Marketplace Building (OTM). Jeff expressed he believed this was supporting the interest of the commissioners wanting events brought to the OTM. A letter was presented by Jeff to the vendors stating the Port had decided to have the event as well as the Port of Bandon Holiday Dinner in the OTM. The event would disrupt the normal market weekend but offer a Sunday market in place of Saturday. The letter also informed vendors to take down their booths for the event. Jeff presented emails and letters and a petition from the vendors sharing their opinion. Jeff stated due to feedback from vendors, in addition to the difficulty in actually removing all of the accumulated items in the marketplace over the season, as well as the need to thoroughly clean the building before the events and the time needed to do all of these things, the Port decided to find another venue or date for the events. Jeff stated for future events, the Port will plan event dates in advance at the start of the year and work with vendors on making booths more modular. Commissioner Goche asked Peggi Towne if this type of market was normal being that vendors don't set up and tear down at days end. Peggi said most markets are outside and in locations that would require them to only be there a short while as most are in streets or public parks. The Farmers Market in Bandon is indoors which helps the Port have a longer market season as its out of the weather and vendors were given the option to leave booths set up. If vendors were ever required to move out every weekend, the Port would lose most vendors. Peggi then shared her concerns with communications. Commissioner Goche asked if the events have been moved. Jeff confirmed. Commissioner Pullen suggested to have a roundtable in January with all parties involved. The building needs to be available for other events and that this may change the way we do business. Commissioner Pullen stated that he appreciated all the vendors have done for the marketplace and

asked this to be put on hold until the January meeting. John Towne shared he was disappointed the Port dinner will not be held in the OTM. At this time Commissioner Pullen asked for vendors to speak. Max Pollin shared he started in this market when there were only 4 vendors. He stated that the Port has bent over backwards to help the Farmers Market. Max asked where else can a vendor leave all their stuff week to week and rent hasn't been raised since it began. Max shared with commissioners he received the letter from the Port and felt that the notice given was an adequate amount of time. Robert Purdy voiced that vendors don't want to move out. If vendors were forced to move out, many of them wouldn't stay or come back. Bob stated that vendors put a lot of time and effort into making their booths their own. If there were to be event, Bob said, they should happen during the shoulder season of January to April and not conflict with regular market season. Commissioner Goche stated to commissioners that people took the time to come and this should be at least a listening session. Commissioner Goddard asked to see what opinions the vendors have. Lorraine Pool asked about revenue that vendors bring in monthly in addition to what has been accrued since day one. Lorraine asked if there is a mortgage on the building as well as gross expenses. Jeff estimated vendor fees net \$18,000 -\$20,000 a year but could be investigated more to be accurate. Lorraine asked for financial copies of OTM. Jeff agreed to provide. Sherri Merrit said she would like to see more events in the OTM, sudden events make it hard for those who do advertising already listing market days. Sherri voiced if there was more notice, it would give vendors a chance to plan for the year. LeeAnn Scarr shared her appreciation to the Port for use of the building. LeeAnn expressed it's a rarity to see any market being indoors and to store things like Bandon does and the leniency shown over the years doesn't escape the vendors. LeeAnn acknowledges the building doesn't belong to the vendors and that the market is good for the community. LeeAnn would like to see an agreement that would benefit the Port and the vendors equally. John stated this was the 7th year of the Farmers Market where as Coos Bay is going on 25 years. John mentioned the reason for letting the vendors keep their booths inside year-round was to catch up to the sustainability the Coos Bay market has. John mentioned that if the Port wanted to implement a charge for storage, most would be receptive to the idea. Jeff was asked how much the Port decided to charge for the cioppino event, Jeff replied \$500. Commissioner Goche asked Jeff and Kathy to gather financial data that reflected building the marketplace for an event center. Commissioner Goche requested comparison data on other event centers and marketplaces regarding square footage pricing and booth pricing. Several vendors shared that they don't see the commissioners frequent the Farmers Market. Commissioner Pullen addressed the vendors by thanking them for bearing with the Port and the Commission and having good humor about the situation. Sherri asked if vendors should bring calendars to the roundtable. Commissioner Pullen replied that things could change between now and then. Bob asked where all new events are coming from and if Peggi was involved. Commissioner Pullen assured Bob that Peggi is always involved. Commissioner Pullen closed the discussion thanking vendors and excused himself to attend a prior engagement.

Jeff presented letters sent by Governor Kate Brown to Assistant Secretary of the Army, R.D. James, The Oregon Coastal Caucus to Assistant Secretary James, and members of Congress and Senate to Assistant Secretary James for additional funding to be applied for dredging. The requested amount would bring funding from \$26,000 for the Coquille River (Port of Bandon) to \$955,000 due to additional FY2019 capabilities.

Jeff gave a summary of last year's Boardwalk Art Show. Jeff introduced Shawn Tempesta and Vicki Affatati. Shawn shared how much it has grown and become a part of the Bandon art community. Shawn explained Vicki's position. Vicki thanked the Port for being a Fiscal sponsor and explained Robin Miller's sponsorship with the show. Vicki explained her Big Fish Project and the auction will be used to add funds for next year's Boardwalk Art Show. Vicki explained funding between grants received, other projects to help fund, in-kind, and Robin Millers contribution. Vicki informed the commissioners that Robin was stepping down as a sponsor.

Jeff explained the art show has been a successful project the Port has supported. Jeff shared the budget for the art show by explaining \$4,000 was from sponsorship and \$8,300 coming from other grants, in which the Port was the fiscal agent. Commissioner Goddard expressed that the art show benefits everyone. Commissioner Goddard explained that the show has grown over years and Robin did a great job bringing it to where it is and the Port should have no problem helping. Commissioner Goche referred to the budget of the art show and asked Vicki to explain differences between the estimated and final printout including grants. Vicki explained the final included her Big Fish Project. Shawn explained that \$850 goes to the boards which are sold thru the 2nd Street Gallery. They are sold at \$10 a piece which goes to the prize money at the end of the show. Commissioner Goche asked if the Port were to help, what budget category would this be in. Jeff replied that it could go under materials and services or a few different lines. Commissioner Goche asked if the Port could create a new line item for the Boardwalk Art Show. Jeff confirmed the request.

Commissioner Goche made a motion to dedicate \$7,500 in perpetuity under continuation for the Boardwalk Art Show and additionally challenging GBA to match funds. Commissioner Goddard asked if there was no match from GBA will the Port still support. Commissioner Goche added humorously that if they don't, they will just look bad. Commissioner Butler seconded the motion. Motion passed unanimously.

Jeff informed the commissioners the only comment he has received from the public regarding the Port Ordinance Draft was from Don Chance pertaining to 5.10 in the draft. Don would like the Port to change the ordinance asking the Port to call crab pot owners, if known, before they are confiscated. Commissioner Goddard asked Commissioner Goche if he had any comments. Commissioner Goche said if pots are truly a navigational hazard they need to be removed. There would be no time to call the owner. Jeff asked to open the second hearing and if no comments, move to adopt. John spoke of ordinance 2.1 regarding leases. John stated the OTM previously was given a 99-year lease under previous administration and currently the loft building is not being used. John said it should be up to commissioner's approval for leases and not up to Port Manager. Jeff expressed the wording in 2.1 isn't necessary as the ordinance is meant to only regulate public rights on Port property. Commissioner Butler stated to avoid confusion, to remove the sentence "The Port Manager shall have the authority to enter into rental and lease agreements with prospective tenants". Jeff then asked the commission if the hearing should be closed for further deliberation. Commissioner Goddard asked for any further public comment, for which there was none. Hearing was then closed on the ordinance. Commissioner Butler discussed proposed ordinance 2.5. Commissioner Butler asked for clarification stating that if another charter was to start up only being a "6-pack", they are uninspected. Commissioner Goche asked to change wording to refer only to inspections as applicable. Commissioner Butler asked about proposed ordinance 2.6. Commissioner Butler mentioned he has a person who fillets after charter trips who is an

independent contractor and it would be hard for him to find insurance. Jeff clarified this is only for insurance reasons to protect the Port in case of accident. Commissioner Goche explained differences between a charter business and commercial boats. The commissioners discussed insurance costs and coverage. Commissioner Goddard asked if Commissioner Butler would be able to include the services under his insurance. Commissioner Butler is unsure. Commissioner Goddard stated if something happens on Port property the Port is liable. John mentioned guides that offer services without insurance. Commissioner Butler stated that a "6-pack" would not be recreational and that certification is what classifies as commercial. Jeff mentioned the hearing could be held open until next meeting, giving time to research issues. Commissioner Goddard asked if there were any other comments. Commissioner Butler mentioned proposed ordinance 4.3 has wrong language and needs clarification. After discussion all agreed to strike 4.3 from Ordinance Draft 2018-01. John addressed proposed ordinance 4.1 stating he knows many people who crab at night. Commissioner Goche stated it was left to discretion of Port staff. Commissioner Goche asked if 4.1 pertained to leases in which Jeff stated the leases have their own assigned parking. Commissioner Goddard asked for a second hearing to which Jeff stated this would make it a 3rd hearing but the hearing could remain open for a specific item at the next meeting then adoption. Commissioner Goche asked Joshua to clarify all changes. Joshua stated that the Port will strike second sentence in 2.3, change 2.5, 2.6 will be held open until next meeting, 4.1 to add trailer, and strike 4.3 completely from draft.

Commissioner Goche made a motion to approve / adopt the ordinance with changes discussed in its entirety with one exception – section 2.6 to remain open until the next meeting. Commissioner Butler seconded. Motion passed unanimously.

Jeff shared the lease template as requested. Jeff stated currently there is no language addressing tenant behavior and conduct but there is language in vendor and contractor agreements. Commissioner Goche asked Jeff to research matching all with same language. Commissioner Goche asked about the second 5-year term automatically being granted to which Jeff clarified only if the tenant has met the provisions. Jeff stated currently there is a 3-year initial term with a 5-year extension and an optional second 5-year term giving the whole term 13 years. Commissioner Goche asked wouldn't it make sense to have 5 years to start then a second 5 years optional. Jeff discussed the current rate increase plan in accordance with the Portland CPI-U increases.

Jeff discussed the idea of bringing food trucks to the OTM parking lot. Jeff informed the commission he has talked to the City of Bandon and was informed that the city already had a plan for food trucks laid out. Peggi shared there are currently 3 vendors that are interested in food trucks. Commissioner Goche mentioned parking by allowing food trucks on parking lot. Commissioner Goddard stated there should be room on the old annex area for three trucks, sharing that having food trucks might be appealing to OTM. Commissioner Goche mentioned food carts. Jeff clarified by saying they would be trucks not carts. Carts are not allowed unless they are tied in with the Farmers Market as a vendor. Peggi assured the commission that the vendors interested have no intention of leaving them every day. Commissioner Goddard stated with current size of vendor booths outside, there is no size difference between the tents and the proposed trucks. Jeff expressed this would be a separate lease agreement with the Port, not a Farmers Market vendor. John stated that having food trucks year-round might impact boardwalk

business. Commissioner Goche asked about placing food trucks out at the jetty. Jeff closed by saying we will investigate more options.

Jeff shared a layout of Port marina docks showing what could be used to replace existing docks and existing layout with docks purchased or donated from Port of Brookings Harbor and Crescent City. The charge from Crescent City would be \$150 per dock. Jeff stated he was running into a dead-end planning for timber dock replacements as Oregon NMFS regulations are preventing use of treated timber. The new layout with donated and purchased docks would cover most of A dock and B dock. Commissioner Goche asked if there was treated wood on concrete docks. Jeff answered yes but from 15 years ago that would need replacing. Jeff also stated that if the Port went to concrete docks that would mean the pilings would need replaced. Jeff shared the price of aluminum docks saying they are more expensive than timber and about the same as concrete. With the donated docks this could save the Port \$500,000-\$600,000 where replacing the entire marina could cost upwards of \$3,500,000. However, the donated concrete docks are used, and it could make more sense to purchase all new facilities. Commissioner Goche asked about a coating that would extend the life of the concrete. Jeff will have more info at next meeting.

Jeff asked the commissioners to set the dates for the next two Regular Commission Meetings as they fall close to holidays.

Commissioner Goddard made a motion to make the Regular Commission Meeting dates set to November 15, 2018 and December 6, 2018. Commissioner Goche seconded the motion. Motion passed unanimously.

Jeff introduced Kathy Reed explaining position with the Port staff and current training.

Commissioner Goddard asked for further public comment. There was none.

Meeting was adjourned at 7:05pm

Respectfully submitted,

Joshua Adamson