Port of Brookings Harbor / Regular Meeting

October 20th, 2015

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1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Port of Brookings Harbor Board of Commissioners was held on October 20th, 2015 in the Best Western Beachfront Inn meeting room, Harbor, Oregon. Chairman Roy Davis called the meeting to order at 7:00pm. Other Commissioners present were Sue Gold, Roger Thompson, Mike Manning, and Tim Patterson. Also present was Executive Director Ted Fitzgerald.

1. APPROVAL OF AGENDA

Vice Chair Gold moved to change the agenda to move the public comments to after section C of the unfinished business. Comm. Patterson asked why the public comments were changed to only 2 minutes. Chairman Davis explained that it came from direction from SDAO. Vice Chair Gold clarified that the public comments could be any length of time, and did not necessarily have to be a specific length of time. Vice Chair Gold moved to approve the agenda as amended (moving public comments), seconded by Comm. Thompson, Voting yes: Unanimous

1. APPROVAL OF MINUTES
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Comm. Patterson said that Mike Frederick did not say what the minutes said he did. Executive Director Fitzgerald agreed that it should be changed. Comm. Patterson said that Resolution 447 was not called 447 on any previous documentation. Discussion was had regarding whether it had been called Resolution 447 on any previous documentation. Vice Chair Gold moved to table the minutes until the following meeting to allow time to investigate and see whether the previous agenda and minutes referenced the document as Resolution 447, seconded by Comm. Manning. Voting Yes: Unanimous

4. OPERATIONAL AND FINANCIAL REVIEW

Director Ted Fitzgerald reported that for September revenues from operations were $202,602. Normal expenses were $172,001. The two categories together after property tax revenue, grant expense and debt service resulted in a net operating profit of $31,443.

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Marina/moorage revenues came in at 15,116.

RV Park revenue was $75,403.

Fuel sales were $33,573.

Cold storage revenues were $2,273.

Yard activity revenue was $7,219.

Rental revenue was $32,948.

The ice plant generated $19,153.

Repair and maintenance expenses were $28,899.

Fuel purchased for resale was $20,617.

Office expense was $22,460.

September saw normal activities in and around the port for the month. RV park income was slightly lower, relatively, than last year, and the ice plant suffered several breakdowns brought about by its heavy use during this long and productive shrimp season.

The Slam’n Salmon Derby occupied staff for eight days, but the event was a success.

The graveled walkway adjacent to the beach, jetty and river was completed, providing an un-interrupted circuit for walkers and other users of the port that never existed before.

We had one boat fire and one boat that sank. Port staff put out the fire with minimal damage and re-floated and removed the sinker.

The remainder of staff time was used to address ongoing maintenance issues.

Port staff travelled to Wisconsin to inspect and get briefed on the suction dredge being purchased by the State of Oregon.

Staff met with the appraisers to resolve final details regarding the appraisal. We hope to have results this month.

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Comm. Thompson asked questions about the finances and coding of different items. Executive Director Fitzgerald explained that Musser Accounting is working on getting all of that fixed for us. Comm. Thompson also had questions regarding a couple of the checks, and Executive Director explained those as well. Comm. Patterson asked questions about the key deposits, and how they’re categorized on the profit and loss statement. Comm. Thompson also asked why certain reports were the way they were, and why some of the previous reports received were not included. Executive Director Fitzgerald said he didn’t know, but would look into it. Comm. Thompson noted that he appreciated the inclusion of the balance sheet. Vice Chair Gold moved to approve the Financial and Manager’s Reports. Comm. Thompson seconded. Voting Yes: Unanimous.

5. STAFF REPORTS

* Executive Director Ted Fitzgerald told the Board of Commissioners about the dredge project, and how things would be working at Port of Bandon. Executive Director Fitzgerald said that Port of Coos Bay would be next on the dredging list, hopefully by the end of the year. He further explained that if Port of Coos Bay did not have their permit in place then the dredging timetable would possibly be moved up to allow Port of Brookings Harbor to take their spot in the schedule as the next port dredged. Comm. Patterson asked if Port of Brookings Harbor would be supplying staff to run the dredge. Executive Director Fitzgerald explained that we would be staffing the dredge until we could get staff from other ports trained to run the dredge. Vice Chair Gold asked if we were the only port that had staff trained to operate the dredge. Executive Director Fitzgerald explained that Coos Bay also had trained dredge operators, but due to the port staff at Coos Bay being union, they may have some difficulties in operating the dredge.
* Operations Manager Gary Dehlinger had nothing to report.
* Office Asst. Manager Danielle Shepard had nothing to report.
* Chairman Roy Davis asked the Board of Commissioners if they would like to change some unfinished business to action items, such as Resolution 447.

6. UNFINISHED BUSINESS

Executive Director Fitzgerald asked that the Travelift Lease be tabled until the next meeting.

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Connie Hunter: Skip Hunter appeared on Connie’s behalf and stated that Connie didn’t have any new information to report at this time, but would be providing some new information to the port shortly.

Brookings Mayor Ron Hedenskog: Discussed the NDRC competition seeking HUD funding for area disaster resilience, and the Curry Health District’s proposed annexation.

7. AGENDA RELATED PUBLIC COMMENTS

* Katherine Wiley: Discussed annexation by Curry Health District.

8. UNFINISHED BUSINESS (CONTINUED)

Resolution 447: Board Duties and Responsibilities

Chairman Davis read the Resolution as written. Chairman Davis made a motion to approve Resolution 447 as written. Vice Chair Gold seconded. Voting Yes: Unanimous

9. COMMISSIONER REPORTS

Commissioner Thompson: Expressed concern over the fact that the letterhead hadn’t been changed. Executive Director Fitzgerald explained that the letterhead had just been changed and now has no Commissioner names on it, mirroring what has been done by other ports. Comm. Thompson asked if Commissioner names and phone numbers could be put onto the websites. It was decided that the Commissioners would supply Ted with the information that they wanted published.

Vice Chair Gold: Said someone came up to her and said that the webcam had been down for a long time, and was wondering what the delay was. Executive Director Fitzgerald explained that it was being worked on.

Comm. Manning had nothing to report.

Comm. Patterson: Wanted an update on the Zola’s music issue. Executive Director Fitzgerald explained that since there is no rule or law that governs sound ordinance for the port, we are trying our best to work with everyone involved to resolve any issues. Also asked about the situation with Tightlines and Chetco Brewery. Executive Director Fitzgerald explained that they were welcome to apply

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as is any other vendor, and clarified that neither brewery was ever barred from applying to participate in our events. Comm. Patterson clarified his interpretation of Resolution 422, and stated that he now understands that it was not calling for a quarterly meeting or workshop, but for just a quarterly report, and stated that he expected we would follow that Resolution going forward.

10. NON-AGENDA RELATED PUBLIC COMMENTS

* Jamie Beebe: Commented on parking, and how the local’s parking had been reduced, and there are now almost no options for parking down by the beach.
* Kathy Hall: Stated that the Commissioners jobs are to make policy and enforce management. She stated that she wants to know when they made a policy to have individuals trespassed off port property, or to issue restraining orders against them.

Chairman Davis: Would you like to comment on that Ted?

Ms. Hall: No. I’m asking you commissioners when you authorized our manager to trespass people off of port property, and/or issue restraining orders against particular individuals. One particular person was just eating ice cream on the boardwalk, another person was down by the jetty during construction. That’s just two I’m going to name.

Chairman Davis: I don’t…

Ms. Hall: You set the policy, and he’s supposed to enforce that policy.

Executive Director Fitzgerald: If you’d like…

Ms. Hall: I’m not speaking to you.

Executive Director Fitzgerald: If you’d like…

(Unknown): He ended up taking three minutes of Jamie’s time!

Executive Director Fitzgerald: You asked Roy for the information, if you’d like I can dig through the minutes and find out when we approved that. You may recall the document that was developed by the Curry County DA regarding trespass. It’s how public entities in the State of Oregon trespass people. I’m not sure who was on the commission at that time. Roger wasn’t,

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Tim wasn’t, it’s been in place for quite some time. I don’t think Mike Manning was either.

Comm. Thompson: It goes back before that by a long ways…

Chairman Davis: Do you want that emailed to you Kathy?

Ms. Hall: If it’s in Resolution form, I want the resolution number and the whole resolution.

(Unknown): 441!

Chairman Davis: We would like a little order in this meeting. I will not have it. It’s not funny. At the least it’s not funny to me. Thank you Kathy.

* Beverly Rasmussen: Wanted to thank the board for their consideration on the Zola’s music issue. Wanted to thank Executive Director Ted Fitzgerald for coming by and investigating. Said it was quiet enough to not be bothersome this past Sunday.
* Harbor Fire Chief John Brazil: Was appreciative of the efforts by port staff through the Summer in regards to fire safety, special events, and address changes. Wanted to let the commission know that he appreciated the efforts of port staff.
* Grant Fraley: Handed out a packet to Commissioners. Wanted to discuss his exclusion from port property. Said he stayed home for the last month because of the exclusion, and didn’t know what it meant because it didn’t note where he was excluded from. He said he has been coming down here and taking pictures for 40 years. He then stated that he had gone into the port office to pay his parking fee, and mentioned that he had been taking pictures off the jetty, and “Jamie” from the port office got up, got a brochure and started shoving it in his face stating that he was “breaking the law all these years”, and had been “trespassing” every time he went on the jetty. He said that this person repeatedly shoved the brochure in his face, backing him up, and kept using it as his pet thing to go after him with. He said that he had never been treated like that or accosted like that in his entire life. Stating that the person had “scolded” him. He said he contacted the Corps of Engineers and they said the port doesn’t have anything to do with that jetty, and couldn’t believe that the port would say such things. He then went on to talk about the port’s posting on Facebook regarding the jetties and their access, saying that the post was trying to “cover up” what happened to him in the port office. He said that

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he then called state parks, and state parks said they own the state beach, and that the state parks department is “appalled” by the port saying they own the beach, and that the beach has been owned by the state since 1967. He then went on to talk about his accomplishments as a photographer, and how he has saved people and boats from the jetty, and was upset that he was now trespassed from being able to do those things. Executive Director Fitzgerald asked if Mr. Fraley was the same person he had dealt with at Slam’n Salmon. Mr. Fraley said he was hungry, and that Mr. Fitzgerald had gotten on the microphone at Slam’n Salmon and offered free food. Mr. Fraley said that he waited in the long line, and then was asked for a ticket and turned away when he didn’t have one. He went on to say that he has worked for this community for 10 years and gotten nothing. He said he has never sold a picture. He then said that Port Office Manager Jeremy Galvez doesn’t handle people very well, and that he has heard from other people that Mr. Galvez doesn’t handle things very well. He said that he’s a senior citizen and he doesn’t know how old Mr. Galvez is, but he has no respect for anyone. Mr. Fraley again stated that Mr. Galvez was shoving the brochure in his face so aggressively that Mr. Fraley didn’t even want to read it, he just wanted to get away from Mr. Galvez.

Jamie (?) stated that Jeremy also made Mr. Fraley wait 20 minutes before even talking to him, and had his feet up on the desk.

Chairman Davis said that he told Mr. Fraley that he was going to work on his initial issue with him, and take him to see Ted, but Mr. Fraley took it upon himself to go to the office without him.

Mr. Fraley said things would have been different if he would have just stayed at home and sucked it up. He said he didn’t come to the office looking for a confrontation, and has never had a confrontation with anyone here. He said he was just trying to do a good thing for the public.

Chairman Davis said that he was trying to get an appeal going for Mr. Fraley, and they would sit down with Mr. Fitzgerald, and possibly Mr. Galvez to find a solution.

Executive Director Fitzgerald said that he saw the video of the confrontation between Mr. Fraley and Knight Security, and that Mr. Fraley’s behavior was erratic.

Mr. Fraley said he took the notice because his brother told him he shouldn’t take or sign anything. He then stated that he was swearing on a stack of bibles that Mr. Galvez told him he had been breaking the law all this time he had

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been going out there, and then he said that Mr. Galvez stated it was in the brochure and that he needed to read the brochure. He then said that he wished he would have read the brochure, but Mr. Galvez was “in his face”.

It was decided that Mr. Fraley would call Executive Director Fitzgerald to work something out.

* Willy Goergen was not available to make his public comment.
* Comm. Patterson asked if there was a way to scan and have available the Port Resolutions. Executive Director Fitzgerald stated that he would look into it.

11. ADJOURNMENT

The meeting was unanimously adjourned at 8:44 p.m.

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