

**PORT OF NEWPORT  
MINUTES  
November 27, 2012  
Regular Meeting**

**I. CALL TO ORDER**

Commission President JoAnn Barton called the regular meeting of the Port of Newport Board of Commissioners to order on Tuesday, November 27, 2012 at 6:00 PM in the South Beach Marina Activities Room, 2120 SE Marine Science Drive, Newport, OR, the same being within the boundaries of the Port District.

**Commissioners Present:** JoAnn Barton, President; Walter Chuck, Secretary; Dean Fleck, Assistant Secretary-Treasurer; Don Mathews, Treasurer.

**Commissioner Excused:** David Jincks, Vice-President.

**Port of Newport Management and Staff:** Don Mann, General Manager; Pat Albaugh, Director of Finance; Pete Dale, Project Manager; Jim Durkee, Terminal Operations Supervisor; Rick Fuller, NOAA Facilities Manager; Maureen Keeler, Special Projects Manager; Patty Benjamin, Administrative Assistant.

**Others Present:** Eric Berthowitz, NOAA MOC; Yale Fogarty and Pat Ruddiman, ILWU Local 53; Lee Fries, CM/GC Selection Committee; Mike Fulmore, Yaquina Bay Yacht Club; Pete Gintner, Port Legal Counsel; Dave Morgan, News Lincoln County; Lloyd "Oly" Olson, Port Pedestrian/Vehicle Safety Task Force; Chuck Pavlik, South Beach Marina moorage holder; Dr. Hal Pritchett, Facility Use & Design and Terminal Steering Committees; John Russell and Katrina Yeck Stevens, Western States Insurance Agency; Jim Shaw, South Beach resident; Dan van Calcar, Oregon Boating Foundation.

**II. MINUTES**

- A. **Work Session—October 30, 2012**
- B. **Regular Meeting—October 30, 2012**

Commissioner Chuck moved to approve the minutes of both the Work Session and Regular Meeting of October 30, 2012 as submitted. Commissioner Fleck seconded the motion and it passed 4-0.

**III. FINANCIAL STATEMENTS**

- A. **Financial Reports.**
- B. **Accounts Paid.**

There were no questions or discussion on the financial reports and accounts paid.

Commissioner Mathews moved, Commissioner Fleck seconded, to approve the Financial Statements and Accounts Paid, Check Nos. 11656-11658/Construction Fund; Check Nos. 11842-11860/NOAA Checking-OCB; and Check Nos. 33409-33497/Operating Account. The motion passed 4-0.

**IV. PUBLIC COMMENT**

South Beach resident Jim Shaw introduced his neighbor, Eric Berthowitz, who is the Deputy Director of the NOAA Marine Operations Center.

**V. STAFF REPORTS (\* Indicates no questions or comments.)**

**A. Department Reports.**

- Kevin Bryant, Commercial Marina Harbormaster\*
- Pete Dale, Project Manager—In answer to a question from Commissioner Fleck about his meeting with DARPOR to explore the possibility of their recycling the fish waste at the South Beach Marina, Dale said that DARPOR will get back to the Port but their

closest recycling station is in Portland so it may not be economically feasible for them to haul the fish waste.

- Rick Fuller, NOAA Facilities Manager\*
- Maureen Keeler, Special Projects Manager\*
- Gina Nielsen, RV-Marina Office Supervisor\*
- Chris Urbach, South Beach Marina Harbormaster\*

**B. General Manager.**

General Manager Don Mann reviewed a proposal from the Sea Lion Dock Foundation regarding the floating dock location and viewing area. In answer to a question from Commissioner Barton, Mann said the proposed cantilevered walkway would have to be engineered, and he and Project Manager Pete Dale would examine the drawings when they were done and get back to the board with a recommendation. He added that "at minimum, it will have to be as safe as it is now."

Mann's report also included a recommendation to change the December meeting date, since the fourth Tuesday falls on Christmas Day, and meeting between the Port Commission and the Newport City Council was tentatively scheduled for March 4, 2013. Staff will poll the commissioners on both of those meetings.

**C. Commissioners' Reports.**

Commissioner Chuck reported on a FINE (Fishermen Involved in Natural Energy) meeting that he had attended as Port representative.

**VI. OLD BUSINESS**

**A. Terminal Renovation Project.**

The Commission had been given an update by Frank Berg, Project Manager, Day CPM Services, at the noon work session.

**VII. NEW BUSINESS**

The Chair moved item C, Designation of Special District Registered Office and Registered Agent, ahead on the agenda. The General Manager introduced John Russell, of Western States Insurance Agency, the Port's Special District representative for property insurance, and recommended appointing him as the Port's insurance agent of record.

Commissioner Mathews moved to designate John Russell, of Western States Insurance Agency, as the Special Districts registered agent of record and the Port of Newport's designated insurance agent. Commissioner Fleck seconded the motion and it passed 4-0.

**A. Reino Randall Lease.**

General Manager Don Mann explained that shipwright Reino Randall had leased space for a floating boat repair shop at Swede's Dock at Port Dock 7 for several years. Randall was now in negotiations to sell the boat house to the Oregon Boating Foundation and the structure would be moved east, closer to Yaquina Bay Yacht Club (YBYC), and used as a base for educating young sailors from the high school. Mann said that moving the boat house would require a permit to extract and drive piling. The foundation hoped to do the work between now and mid-February. Randall was seeking to dissolve his lease through a mutual agreement with the Port, and legal documents would then be drawn up to transfer the lease to the new tenant. Mann said that a ramp would eventually be built to the boat house, providing an area to launch kayaks and canoes. Commissioner Fleck said he thought the plan was excellent and added that the new use of the boat house might possibly provide some of the mitigation for public access that was a requirement for the NOAA MOC-P project. Commissioner Barton agreed and said it would benefit the community to have another public access on the north side of the bay. Mann said the Port would work with YBYC in seeking grant opportunities for non-motorized access.

Commissioner Fleck moved to authorize the General Manager to continue to work with Reino Randall on the dissolution of his lease and pursue the relocation of the boat house. Commissioner Mathews seconded the motion and it passed 4-0.

**B. Boat House Relocation Commercial Marina—Oregon Boating Foundation/Yaquina Bay Yacht Club.**

This agenda item was related to the agenda item A and relocation of the boat house was covered in the previous motion that passed 4-0.

**C. Designation of Special District Registered Office and Registered Agent.**

This agenda item had been moved forward on the agenda under New Business.

**D. Road and Driveway Contract for Rip-Rap Restoration.**

General Manager Don Mann explained that part of the trade off for the Port's use of the area around McLean Point adjacent to the dredge disposal site that is owned by the Hall family (Rondys, Inc.) was to place rip-rap as bank protection at several locations on the shoreline. Mann said a representative from Oregon Department of Fish & Wildlife (ODFW) had toured the work site and some of his input had been included in the work scope for the project. The project had been competitively bid and Road & Driveway was the low bidder. Funding for the project would come from the NOAA MOC-P budget as part of the close out for the McLean Point dredge disposal area.

Commissioner Chuck moved to authorize the General Manager to enter into a contract with Road & Driveway for rip-rap restoration on the McLean Point peninsula. Commissioner Fleck seconded the motion and it passed 4-0.

**E. Newport Marina Store and Charters—Lease Amendment.**

General Manager Don Mann explained that the amendment to the lease between the Port and Newport Marina Store & Charters was a clarification of specific maintenance responsibilities covered within Section 33, Repairs, Maintenance and Cleanliness. The General Manager and lessee Chris Olson had agreed on the lease language. Copies of the amendment had been provided for the commissioners' review and the General Manager recommended approval.

Commissioner Fleck moved to approve the lease amendment between the Port of Newport and Newport Marina Store & Charters. Commissioner Chuck seconded the motion. It passed 4-0.

**F. Port of Newport Emergency Response Plan.**

Copies of the current Emergency Response Plan and related attachments had been provided to the commissioners and Port staff. General Manager Don Mann explained that this was a "living document" that could be amended or changed at any time. Commissioner Barton commended former Port Commissioner Ginny Goblirsch for her work on the Emergency Response Plan after she left the board, and Commissioner Chuck added that Goblirsch had suggested that the plan should be practiced at least once a year.

Commissioner Chuck moved to approve the Port of Newport Emergency Response Plan. Commissioner Fleck seconded the motion and it passed 4-0.

**VII. MEETING RECESS** at discretion of the chair.

There was no meeting recess.

**IX. OTHER**

There was no other business.

**X. PUBLIC COMMENT**

Chuck Pavlik, South Beach Marina moorage holder, said he had met with six other marina users and drafted a list of issues and needs to bring to the Port's attention. The issues included:

- Evaluating each slip on its own pertaining to dock boxes and fish cleaning stations, because there is more room in some slips than others.

- Clutter, particularly crab pots, is a problem on the side fingers, making emergency access difficult.
- The ban on open flame cooking needs to be enforced.
- Boat refueling on the docks is another enforcement issue.
- Electrolysis in the basin is a problem; some moorage holders have their shore power hooked up with a household extension cord.
- On busy weekends, half the vehicles in the parking lot do not have permits.

Commissioner Barton noted that the Port is in the process of updating its ordinance code, and one of the motivating factors had been enforcement capability. She asked Mr. Pavlik to submit his list to the General Manager. Commissioner Chuck said there had been a discussion at the noon work session about asking a couple of people from the public to review the draft ordinance code before it is finalized, and Mr. Pavlik said he would be willing to do that.

**XI. EXECUTIVE SESSION** in accordance with ORS 192.660 (1)(e)

The Board of Commissioners went into Executive Session at 6:40 PM.  
The Board of Commissioners returned to Regular Session at 7:23 PM.

**XII. UPCOMING MEETINGS/EVENTS**

- A. Fishermen's Forum, Port Operations Shop, December 12, 8:30-9:30 AM
- B. Port Holiday Party, Mo's Annex, December 14, 6:00 PM
- C. Marina Users Meeting, December 21, South Beach Marina, 8:30-9:30 AM
- D. Work Session, South Beach Marina Activities Room, Schedule
- E. Regular Meeting, South Beach Marina Activities Room, Schedule
- F. Christmas Holiday, December 25, Port Office Closed

**XIII. ADJOURNMENT**

There being nothing more to come before the Board of Commissioners, the meeting was adjourned at 7:24 PM.

ATTEST:

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David Jincks, Vice-President

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Walter Chuck, Secretary

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