

MINUTES
Parking Advisory Committee
Meeting #14
Newport City Hall Council Chambers
August 16, 2023

Committee Members Present: Doretta Smith (*by video*), Bill Branigan, Janell Goplen (*by video*), Aracelly Guevara, Aaron Bretz (*by video*), and Robert Emond.

Committee Members Absent: Gary Ripka, and Jan Kaplan.

City Staff Present: Community Development Director, Derrick Tokos; Police Chief, Jason Malloy, Parking Enforcement Officer, Donald Valentine; and Executive Assistant, Sherri Marineau.

Public Present: City Councilor, Dietmar Goebel.

1. **Call to Order & Roll Call.** Meeting started at 6:00 p.m.
2. **Approval of Minutes.**

MOTION was made by Bill Branigan, seconded by Robert Emond, to approve the August 3, 2023 Parking Advisory Committee meeting minutes as written. The motion carried unanimously in a voice vote.

3. **Review Updated Draft of NMC Chapter 14.14 Amendments to Special Parking Area Requirements.** Tokos reported that the Planning Commission initiated the legislative process for the amendments and was moving forward with a public hearing. He covered the amendments to NMC Chapter 14.14.100 concerning the special parking area standards. The City Council adopted policies in 2021 that said that in metered areas, the city would loosen up or if not eliminate off street parking requirements for development. The language was structured that this would apply to the Bayfront because it would be the only area that was going to be subject to metering. If this was adopted it would not apply to Nye Beach or the City Center because they were not proposed to have metering. Tokos explained that there were two concepts for the Bayfront. One was to disincentivize property owners from doing development that would have a severe impact on the availability of parking. The other option was to charge a one-time fee when expansions were done. These fees would increase when there was a more significant amount of parking than developers were required to have. The Commission thought the concept was great but still wanted a top end number, and say if they went above that demand number they would have to provide off street parking. The Commission felt this needed to happen given the limited amount of parking the Bayfront, even with the demand management strategy the city was pursuing. The cap number the Commission proposed was set at 20 spaces. If the Council adopted the amendments, the supplemental business license fee for parking would go away for the Bayfront, and they would no longer be a part of that program. Then, moving forward the Bayfront would be subject to these provisions. This meant that if a business was expanding, and it had additional demand for parking that was under 20, they would pay a one-time fee instead of an annual business license fee. The Commission thought that if a business was making a very modest expansion, and the demand was no more than five spaces, this should continue to be at no cost. Then if they went above five spaces, the fees would be broken down by the additional demand.

Malloy asked if new business owners on the Bayfront would have to pay annual fees after the meters were implemented. Tokos said no, they would only have to continue the basic annual business license fee, and the one-time fee would only be charged during an expansion. Smith thought this sounded like

they were going after owner occupants instead of the business owners who leased properties. She thought this was confusing. Tokos said what they were talking about was an existing legacy program that was in place, and how it was transitioning from that legacy program to this new program. The legacy program was keyed off of business licenses and was currently in place. The business operator paid a supplemental business license fee in the three districts. This fee entitled the business to expand and not have to provide off-street parking as long as the expansion didn't generate a demand for more than five off street parking spaces. If the amendments are adopted, Bayfront business owners would no longer pay the supplemental business license fee, and the only time a fee would be triggered was when the business elected to expand. This fee would be based on the amount of the demand they were placing on the parking system, and was a one-time fee. Smith thought they were getting lost on the word expand because businesses could expand their businesses without expanding their real estate. Tokos noted that if a restaurant added an additional 1,000 square feet, it would be an expansion which was an additional impact on parking, and subject to the one-time fee. The business would pay a one-time fee based on the use. Smith questioned how a business could control this if the real estate wasn't available to them, and they didn't own the real estate. Tokos gave an example of an addition to a restaurant and how the additional demand triggered the one-time fee. Smith thought using both the words "expansion" and "conversion" made things confusing because they meant different things. Emond noted this applied to the use of the property, and when they changed the use, they would be subject to the new parking requirements. Smith said that expansion to her was about expanding the footprint, not converting the use. Tokos explained that what was in the code would be the intensification of use. The way the program was set up, if adopted, was that there would be a one-time fee for the change of use that directly correlated to the amount of additional parking and change of use associated with that. The Commission recommended that the fee resolution be structured such that if the change of use did not create a demand for more than five parking spaces, there wouldn't be an additional fee. If the change was greater, there would be scaled fees based on the parking spaces associated with the change of use.

Emond asked if a fee would be required anytime a use changed. Tokos confirmed it would. Emond asked if they changed the use to something with less demand, would they then not pay a fee. Tokos said that was correct. Smith wanted it clarified that this only applied in areas with meters. Tokos confirmed that if it was adopted it would only apply to special parking areas that were metered. Smith asked if they implemented meters in the City Center would this then apply. Tokos said it would, but he expected that if it did go in the City Center they would take another look at this language because it would be a bigger change. This would also be the same for Nye Beach. Tokos wanted to emphasize that none of the amendments they were considering would apply to the City Center or Nye Beach.

Emond thought that rather than setting it a flat 20 spaces, they should say a percent of the available parking in the district. He thought this would mean they wouldn't have to tweak things for each parking area. Tokos thought this was what they would want to do. He anticipated that there would be some code adjustments as part of the discussions for this. This language dealt with the basis of existing uses that provided off street parking in order to comply with the provisions of this section. The city's prior parking ordinances were not required to retain the parking if they were located within a special parking area where metering was utilized.

Tokos asked for comments on NMC Section 14.14.100. Emond thought Item D should come before Item C in this section because it made more sense. Tokos would take a look at the section to see if he could clean that up.

Goplen asked if the proposed fees were based on what other jurisdictions were doing. Tokos said the city had looked at other jurisdiction's examples. Some had fixed fees per space or they were scaled. The fees that were included were in line with the examples they looked at.

Smith asked if the parking district business license annual fee only applied to the Bayfront. Tokos explained the parking district business license annual fee was the legacy program and would not apply to the Bayfront once it was metered. Emond pointed out that this was why he thought this section should be first in the code, because it was more logical that way. Smith asked if the parking district business license annual fee would be new to the businesses in the City Center. Tokos explained it wouldn't be, because the fees had been in place for years.

Goplen asked if this would be included in the public outreach, or if it would just be covered in the Parking meetings. Tokos reported at this point it wasn't built into the outreach, but he would be prepared to talk about it.

4. Bids for Sign Pole/Base Installations and Pay Station Foundations (Includes Budget Update).

Tokos reported the bids came in for the installations. They were favorable and about \$5,000 under the estimated costs. The City Council would be asked to do the interfund loan so that there was sufficient money to pay for this last element. A portion of the meter revenues would be used to pay off the interfund loan. Tokos reported that this was the last significant piece of the rollout.

Goplen asked if they would be putting in bike racks when they did the surface restorations of the parking lots. Tokos explained that he would be talking to Public Works about this, and they would be pulling from different funding sources to do this. He confirmed they would be able to get bike racks.

5. Updated Parking Management Solution FAQ and Outreach Schedule.

Tokos reported that he updated the FAQ handout and included a version in the packet for the Committee. He played with the graphics on the map to make the boundaries look better and stand out better. Goplen talked about how she showed the FAQs to a few people and they thought it was great. They especially liked the 72 hour parking for the fishing community. Smith suggested they do a straight line on the legend so it made more sense to the public. Tokos would do this. Goplen thought the titles on the map should be bolded or all caps. She wanted the header to stand out more on the map.

Tokos reminded that the Committee discussed that zones B and D would be invitation only. The city would coordinate with the Port to get a list of owners for the invites. Bretz noted the Port didn't generally say "owner" in their ordinances. They preferred saying "owner/operator" to allow them to choose what kind of authority they were within their organization. Bretz confirmed that the Port would supply the city with a list of the owner/operators.

Tokos asked for the Committee's thoughts on having multiple vehicles on the permits for fishermen. Bretz asked if they wanted to limit the number of invites to each boat. Tokos said the plan was to give out as many invites as the Port supplied. Bretz didn't think it would matter how many license plates they wanted to allow on a permit. Tokos thought they should think about limiting it because it might lead to abuse. Goplen asked if there was a standard number of people per boat. Bretz said generally it was about three to four people, sometimes it was five. He noted that they sometimes rotated crew based on who was available. Bretz reminded that these permits weren't annual. Tokos explained the permits would be tied to the owner/operator pulling the permits, and didn't think there would be many vehicles. Bretz thought if the intent was to have these for the people who would be working on the boat in a given month, there wouldn't be a lot. The owner/operators would want an option for when they brought in contractors to work on the boat who needed to park. Bretz imagined these folks would pay for parking. He thought the permits would be delegated to the operators, not the owners. They would get a certain number of passes for the boat, and when they changed crew they could get rid of one permit, and then offer it to another crew member.

Tokos asked if the Committee thought someone who obtained an e-permit should be able to add more than one license plate to their permit. Emond didn't think so, because he thought it might cause a problem if both vehicles were parked at the same time under one permit. Malloy reminded that they would have license plate recognition (LPR) technology that would identify this. The technology wouldn't know which vehicle was parked at the same time though. Malloy also thought it would be difficult to say one permit could be for more than one vehicle. Bretz also pointed out there would be a problem if a boat authorized seven license plates under the invitation, and all seven were parking at the same time. Bretz didn't think the city would want to get into this. They should give the operator a certain number of permits, and then the operator should decide how they divvied them up to. Goplen asked if they were creating an app to manage this with the boat owners. Tokos reminded that when talking about the deck hands it was a different component. The operator would buy a permit for themselves and then buy a number of coupons they needed to give out to the deck hands. The deck hand would then take the code and put it into the kiosks and be good to go. Malloy asked if the captain would have to go back in after 30 days to renew these, or if it was an auto renewal. Tokos confirmed they could do an automatic renewal. Emond questioned how it would work if a deckhand or other employee was hired and needed a permit left after two weeks. He questioned if their permit would be turned over to the new person and changed to a new license plate number. Tokos explained they could structure it for the commercial fishing side to have the option to get an e-permit for themselves and plug in their license plate number. Then they could purchase coupon codes at the same price to give out. Goplen asked if the person with the coupon code would have to log in their license plate. Tokos confirmed they would enter in their license plate number with the coupon code. Smith questioned if coupons could be transferred to different people. Tokos reported they could set it up that way, and the code could have different license plates associated with them, depending on who they had as a deckhand over the month. Goplen wanted to make sure the person that was no longer working was deleted from the coupon. Tokos said they would work with T2 Systems on setting this up. Bretz thought the trick would be to not get in the middle of it, and keep the responsibility on the owner/operator so that if someone got a ticket they would have to work it out themselves, not the city. Malloy thought they should ask the vendor was if a coupon code could be transferable.

Malloy reported that previously the Police Department would issue parking permits for mechanics prior to any kind of system there was on the Bayfront because they were down there working a long on the refrigeration and mechanicals on the boats. They were allowed to park in the loading zones for limited timeframes and would pay \$30 to \$40 a month for these permits. Malloy noted that they quit doing this because they had no way of tracking it, and thought it was important to allow certain vendors to have the same access that a commercial fisherman had. Even if they were allowed these permits, there were still parameters on what these vendors were allowed to do. Emond asked if T2 Systems tracked how long people were parking. He thought this would allow the city to monitor how things were being used. Tokos confirmed they did. He asked if Malloy thought there should be separate category of permits for trade vendors. Tokos noted they were already allowed to be in the 60 minute loading zones on the Bayfront. Malloy reported they would have license plate recognition to know what tier parking zone they would be allowed in for the permit. Bretz thought the key to this would be the rate. They will have to ask themselves if it would be cheaper to get a monthly pass or pay the daily rate based on the number of days they are there. He didn't think a daily pass would break anybody's bank. Bretz thought it was important to remind the public that they were giving people more parking access to get to the docks We were just asking people to carry a little bit of the cost and the inconvenience with everybody else.

Tokos asked if what he was hearing was that when someone got an e-permit, that e-permit would be associated to a single vehicle. Then if there was another vehicle they would have to get another permit for that vehicle. Malloy reminded the license plate recognition didn't recognize different vehicles on one permit, just that the license plate was associated with a permit. Goplen questioned if there was a

login for people to change their license plate number online. Tokos would make sure that was an option. Branigan reminded that some vendors had multiple vehicles. Tokos thought they would pay of the meters, not e-permits. Bretz thought they would also use the pier to park on.

Malloy questioned if the loading zones should be 60 minutes. Tokos said the 60 minute loading zones were only on the Bayfront side. Malloy reminded that this would be used by people to park to go to lunch, and the police wouldn't know why there were parking there. Goplen thought the 60 minutes was for the fishermen to unload. Bretz reminded that the discussion on this had been that there were a select few that would be using these to load crab pots. He thought that 60 minutes was pretty long. Malloy suggested they define it as commercial use. Emond questioned if it could be changed to an "active" loading zone. That way if no one was there loading they could cite them. Malloy thought they needed to be able to defend a citation, and if it wasn't clear, a judge would have a hard time supporting it. He thought the word "commercial" should be added to the sign. Bretz reminded that a prior discussion on the signs involved how big they would be, and what they could fit in its space. He thought 60 minutes was a long time for a loading zone. Goplen suggested they change it to 40 minutes so people couldn't use the zone to park and get lunch. Smith questioned if the term "commercial" would also be interpreted as parking a car to do shopping. Malloy reminded the police used common sense to look at how vehicles were utilizing the loading zones. If they saw a parked and locked car in a loading zone, they weren't loading. A discussion ensued on how people might utilize the loading zones.

Malloy suggested they implement it and monitor it to see how it worked. Goplen asked if there was any way they could monitor how long the loading zones were being used currently. Malloy reported they the same three vehicles parked in the loading zones for eight to 12 hours all summer. He thought it was currently being abused. Smith knew that some of the pushback from the public was concerning their questions on if they had to pay to park if they were buying fish. She asked if they should make it 30 minutes instead of 60. Malloy reminded that people would use a multitude of excuses for parking in the loading zone. Tokos reminded that Gary Ripka thought that someone couldn't unload their gear in 20 minutes, and felt 60 minutes was more reasonable. The city was getting ready to order signs, and they needed to decide what the time should be. Emond thought 30 to 40 minutes sounded more reasonable. Malloy noted the police wouldn't look to give citations to fishermen who were actively loading or unloading. There was a common sense approach to this. Malloy stated he would rather make sure they were dealing with the people that were abusing the loading zones, and taking away the loading areas from our commercial fishing fleet. Guevara asked if they could say 60 minutes for commercial fishing folks and 20 minutes for the business only. Tokos asked what Malloy thought of a 40 minute limit. Malloy thought it was better to not put a time on the signs, and make the area an active loading and unloading zone only. Bretz thought that if it was defined in the code without a maximum time limit, it would give an officer the discretion and authority to give citations when enforcing. Tokos explained it was already set up as a 60 minutes on the bay side only. He also thought that a time limit would help with enforcement, because without it, it would become a judgement call for the officer.

Goplen asked how long it would take the enforcement officer took to go along the Bayfront to check the parking, and what their route would be. Malloy reported there was one parking officer for the whole city. The majority of their time would be spent on the Bayfront, and the officer would have to do more than just parking enforcement. Malloy explained that they liked to keep the route random so people didn't figure out when the officer would come by. Malloy noted they would monitor the loading zones, and if they needed to they could change signs through a traffic order and a city process. Guevara agreed with Malloy that the signs should just be loading zones, and not have times on them. Tokos thought having a time limit would help deter bad users from using them. Goplen was in favor of just having a loading/unloading zone without time. Tokos noted the downside for removing the time limit

on the signs was that it put it entirely on the officer to prove the person was loading or unloading, and then would have to debate it with a municipal court judge. The time limit would give the officer concrete evidence that someone was parked too long. Emond agreed that the time on the sign was important and there were a lot of tourists on the Bayfront who wouldn't know how long they could spend in the zone. Tokos thought they could change it to 40 minutes, and then the officer would have discretion on letting it go longer if there was somebody would be legitimately loading. Malloy reminded that all of their parking enforcement was discretionary.

Malloy noted that having the signs say Saturday and Sunday, November to April meant that they would be missing spring break, one of the busiest times of the year. Emond thought it should be metered all year long. Goplen thought that people would pay all year. Bretz thought they should change it to March instead of April. Tokos noted this would add two more months into the schedule. Bretz thought they should let it ride the first year and see how it worked. The Committee was in general agreement to leave it as April. Goplen asked if it could be changed to read "Sat & Sun only" instead of "Sat-Sun only." Tokos would request the change. The Committee was in agreement to leave the signs as is, with the exception of changing it to "Sat & Sun only."

Tokos asked for feedback on the map on the back of the FAQ form. Goplen thought that printers had changes on original document hard time differentiating the brown color from the yellow and orange. She asked if they could have someone create a different graphic than what was presented. Tokos thought the map was close to what they needed, and didn't want it to be overkill.

- 6. Meet and Greet with the City's new Parking Enforcement Officer.** Malloy introduced the new Parking Enforcement Officer, Donald Valentine. Valentine was working with the Community Service Officers (CSO) to get trained and would start getting out and about in Newport to get the lay of the land and figure out how he would hit all the areas.

Tokos thought it would be helpful to have Valentine attend the outreach meetings. Malloy noted that Valentine would be involved with the training for the system, and he would be working Monday through Friday so he was available to deal with the implementation. Malloy explained that Valentine needed to get familiar with everything and be well versed with the contractors and vendors on the Bayfront. The Police Department wanted him to be a part of any Nye Beach, Bayfront, and City Center meetings, because that was where most of the parking complaints were. It was important to have Valentine involved with the outreach because people wanted to talk to enforcement. Smith asked who would enforce on weekends. Malloy reported that Valentine would be working Friday through Monday once the program was implemented. Then possibly work either on a Tuesday or Thursday. Malloy noted that until the meters went into effect, time parking was very difficult for them to deal with in an eight hour shift. The current marching order Valentine had was to deal with the safety and inconvenience issues with the way people were parking.

Goplen suggested the Police Department do a funny post on Facebook to show some of the things that would happen when they put in the meters. Malloy said they were bringing back "dude you can't park like that" videos and post bad parking photos to do this. Goplen and Bretz thanked Valentine for stepping into the enforcement role.

Smith asked who enforce the other days Valentine wasn't working. Malloy said they didn't have funding for parking enforcement for seven days a week. They hoped the CSOs would help with this, but there wasn't enough time for them to do it. One of the things they would need to deal with when Valentine wasn't there was to deal with the more obvious safety violations. Tokos asked if they could stagger his schedule sometimes. Malloy explained that they wanted to be fair to staff and didn't want to abuse Valentine's schedule. Goplen asked if they would be able to afford another parking

enforcement officer once they got the funds from the meters. Malloy said that as long as there was funding available, there would be enough work for parking year round to have two full time people. This came at a cost and was expensive. Goplen asked if volunteer officers could participate in this. Malloy reported the only volunteer parking program there was in the state was for disabled parking enforcement. They didn't have the capabilities to do this. Tokos suggested they train the CSOs on this. Malloy pointed out that if the CSOs were doing parking enforcement, they wouldn't have time to do their own jobs. Bretz thought they needed to point out that enforcement wasn't 100 percent, the city had limited resources, and they would respond to things in the order of importance. He thought they needed to get out in front of this so they could manage people's expectations. Goplen asked if part of the money for in lieu of parking could go toward parking enforcement. Tokos said the meter revenues would be more reliable for this because the in lieu fees would only be collected when there was development. Goplen asked if they could say that 80 percent of the in lieu revenues could go towards parking enforcement. Tokos said they would be able to get a gauge on what the annual revenues were, and then make choices as a Parking Committee on what percentage should or shouldn't be dedicated to enforcement. There would be an interfund loan that would be paid off over a couple of years. The parking ticket revenue, meter revenue, and payment in lieu would all be tracked to see how they were doing. The data would help them make recommendations on the certain amounts that should be dedicated to certain purposes. They would also begin to see what sort of cost it would be for an additional enforcement officer.

Smith asked why Malloy said they would need a second vehicle with LPR if there was only one parking enforcement officer. Malloy noted that he was just saying that if there were two full time parking enforcement officers, they would need their own vehicles because they wouldn't ride together.

Tokos noted the next meeting would land in-between some of the outreach meetings that would be happening. He reminded that the plan was to have the implementation happen at the end of October. Tokos would reach out to Goplen and Bretz to coordinate some of the outreach meetings. Bretz reported the Port was working on generating some signage that was similar to the standard parking signage. They would be using the term "commercial fishing parking" on the signs and they would include a Port logo on them so it was clear they weren't the city's. Tokos noted they would be doing separate outreach for the work to the parking lots so people knew when the parking lots would be worked on and closed. Goplen reported she would bring this up at the next Discover Newport meeting on August 22nd. Smith noted that she emailed the Rotary to do outreach at one of their meetings.

7. **Public Comment.** None were heard.
8. **Adjournment.** Having no further business, the meeting adjourned at 7:50 p.m.

Respectfully submitted,



Sherri Marineau
Executive Assistant

