

Attendance: Paulette Richards(chair), Willy Gibboney, Dave Lee, Alex Lanham, Paula Gourley, Maria Moule, Julia Garretson, Maggie Duncan

Excused: Kelly Durian

Staff: Kimberly Cullen, Kim Still

Recorder: Diane McWhorter

Guests: Alan Pointer, Sheila Pointer, Colleen Bauman, Sue Theolass, Teresa Pitzer, Deb Huntley, David Hascall, Barbara Hascall, David Duckett

Introductions and Announcements: Introductions around the room. Speakers will be timed to allow five minutes per person.

Pressing Member Issues: Five members wished to speak. Please note that while an attempt has been made to convey, in the member's own words, the points of their statements, these are not exact transcripts.

Sue Theolass: Sue spoke about the symptoms of the health issue she believes is triggered by the soap fragrances blowing across the street to her booth location. She does not want to be chemically sensitive and except for a problem some years ago, she has been able to attend by avoiding the booths with products she can't tolerate without reaction. After 25 years of using many Market-sourced soap products, she has had four reactions this season she can trace to the products of one particular booth, twice carried on people who had picked up the scents in their clothing. She was sick for several days after each exposure. She stressed that this awkward situation was not a personal issue with particular vendors, but for her, a choice between her health and her income. She can avoid the present space for the booth but is concerned about Holiday Market proximity. She knows some things have been done but asks for a more effective solution.

Barbara Hascall: Barbara spoke about her experience this season trying to comply with all the suggested mitigations of her scented products. Since May they have moved to a different space, implemented a six-week curing time, put the soaps into plastic boxes and displayed fewer soaps. She feels a no-scent policy is what is being asked for, that scents and fragrances are part of the market experience, and that even though some people are sensitive to fragrances, they are a small number and should be accommodated without the need to jeopardize her business. She points out that in the proposed policy all the accommodations to a fragrance complaint fall entirely on the vendor without any compromise and are entirely subjective. They have many loyal customers who buy repeatedly, and they do not want to disappoint them by changing recipes or denying them the soaps that they want. She feels that the requirement to contain all fragrances within the 8' x8' booth is not reasonable or even to be desired. She thinks the Board needs to realize that the Market needs businesses that are vital and that make it a destination for the people in Eugene. The Market is not just about nurturing the vendors who have the greatest seniority.

David Hascall: David approached the issue through the policies of the Market. He suggested that the Board delay the vote on scents and sounds for this season and use the time allocated for this agenda

item at this meeting to go into executive session and review the Code of Conduct policy. He claimed that the complaining member got a letter of reprimand, but they lost their temporary reserve space, have spent more than \$500 to mitigate their scent issue, have lost income and have the distinct feeling that as a newer, successful vendor they are not welcome in this neighborhood or of equal standing. He suggested reviewing the Notice of Concern form itself, finding it purely punitive, requiring no constructive changes on the part of the vendor filing the form. He strongly recommended that the Board consider establishing a maximum number of members for standing committees and term limits for committee chairs to ensure a constant flow of new people and new ideas. He urged the Board to do the right thing by them.

David Duckett: David wanted to explore the issues that might come up for him with both the scents and sound policies at Holiday Market and in choosing a Park Blocks reserve space for next year. He makes sure that his product finishes age well before bringing his products, but his popular products, door knockers, make sounds when customers interact with them. Some customers are gentle and some are not. Speaking to the customers, particularly children, creates new problems. How does he find an available booth with neighbors who will not file complaints?

Deb Huntley: Deb suggested that it was difficult to assess the cause of medical problems with the smoke in the air the last few months, but that there was no doubt that there were people who are suffering. She observed that the soap maker had completely complied with all requests and suggestions to alter her product and also her display to help resolve the problem. She sang a song:

*"Life is very short and there's no time, for fighting and fussing my friend.
Life is very short and now's the time for finding solutions my friend.
We can work it out, we can work it out, we can work it out.
Life is very short and there's no time, for fighting and fussing my friend.
We can work it out, we can work it out, we can work it out."*

Discussion: Members pointed out that Executive Sessions are for personnel issues only, not policy discussions. Only Standards Committee members sign a Code of Conduct policy, though the Market-wide one is printed on the back of the Market Handbook. Questions were asked of the soap makers about their process, recipes, and details of their experiences at Market. More discussion will be held about the policy during or after the Standards Committee report later in the agenda.

Approval of the Agenda:

***Motion: Accept the agenda (Alex/Julia) All in favor 7-0-0

Approval of Minutes: Minutes of August 5.

***Motion: Approve the minutes (Julia/Alex) Motion passed 6-0-1 (Maggie)

Executive Session: The Secretary clarified the intention of Executive sessions from the Bylaws: *Article V: Section 3: Special Meetings. Special meetings of the board of directors may be called at any time by the chairperson or by any three members of the board. Meetings of the board shall be open to members of the corporation and the press except when personnel matters are discussed, when the board may, at its option, declare an executive session.*

The Board then went into an Executive Session for which all guests were asked to leave. No motions were made.

Administrative Report: Kimberly reported that there are 488 members to date. Member attendance for August was: 8-1: 153 members, 8-8: 225 members, 8-15: 237 members, 8-22: 215, 8-29: 178. Holiday Market is 78% booked. Some unpaid fees from last year are still uncollected. Overnight security has been arranged within the budget. Supplies and materials are being purchased; 5000 forks, with buckets and lids included.

The contract with the City for private commerce on public property has now been signed. The Food Cart part of the program has been taking losses due to vandalism and changes in participation. All of the income and expenses from this program are managed separately from the Market budget. It will be watched so that the reserves are not diminished.

One of the site staff has resigned and the job has been posted.

Overnight vehicles have generated complaints. On checking with the City, Kimberly learned that complaints must be lodged at a specific time early Saturday or they will not be in the enforcement system. Signs can be placed as warnings to allow the moving of the vehicles, since private property cannot be seized without sufficient warning. The LCFM uses signs in their booth spaces, and similar ones will be worked up for the parking spaces used for loading and unloading.

Paulette will submit an article for the newsletter suggesting that rumors can be disruptive and harmful and members should get the facts.

***Motion: Approve the Administrative report (Alex/Dave) All in favor 7-0-0.

Advertising Update: Kim reported that she changed the appearance of the ads featuring Market members with their products, to use less verbiage. Food booth relationships with farmers will be used in ads for food-related supplements such as CHOW in the Weekly. The Bijou ad will be changed once or twice a month. Downtown Eugene has a new logo and several promotions coming up. They will give out 2500 tote bags and promote the Friday nights before Duck games with a "Duck into Downtown" campaign. Halloween will be on a Saturday so there will be a new version of the successful promotion last year to bring costumed participants downtown, as well as to the Market. Members could hand out some type of treats or at least the Holiday Market postcards.

***Motion: Accept the ad update (Alex/Willy) All in favor 7-0-0

Treasurer's Report: Kimberly gave the report that there are 67% of the markets completed by this date and the budget is at 69.2% of the projections, so income is slightly ahead of projections and still on track. Sales income is down about 1.7% from last year but that seems to be a factor of the hot weather and corresponding vendor attendance declines, and could be recoverable with good sales this fall. Expenses are less than the projections and last year, so the net is larger than at this time last year. Misy Hansen has agreed to join the Budget Committee.

***Motion: Approve the Treasurer's Report (Julia/Willy) All in favor. 7-0-0

Committee Reports: Standards: Meeting of August 19: Teresa pointed out that the vote on the Carryover screening of the animal cutouts was inconclusive so the committee held further discussion

which resulted in the failure of approval. Recommendations for changes to the Scents, Sounds, and Services policies were all printed in the minutes for the Board to discuss.

Scents: Proposed guideline (changes in **bold**): Members should be aware that strong scents can trigger asthma and other health problems. The Market requires that members whose product may have an impact beyond the confines of their booth be sensitive to the impact of their products on other members and the public. **Members who generate member or public concern will be required to take mitigative actions. These may include, but are not limited to, changes in packaging, display, formulation or other actions deemed reasonable to the General Manager. If mitigation cannot be successfully accomplished the member may lose their right to sell the products in question.**

Discussion: The process begins with a Notice of Concern and the GM takes the complaint to the committee concerned. That process is written in the Market Standards part of the handbook. The Board is the body of last resort for decisions. Some research into other Fairs and Festivals might be done to see how they handle complaints. Sometimes people turn to the Board before an appeal is necessary but the process can be lengthy and not provide immediate relief of complaints. The appeal to the Board is printed at the beginning so isn't put into each policy treatment in the handbook. Not everyone reads the handbook so informing the member needs to always be the practice, and repeating it can be helpful. To respond to the concern that the complaining member faces no responsibility, addressing it through the Code of Conduct would seem to be the most efficient method. That will be placed into New Business at the next meeting.

***Motion: Approve the proposed Scent guideline revisions. (Julia/Alex) All in favor 7-0-0

Sounds: Proposed guideline (changes in **bold**): The Market requires that members whose product may have an impact beyond the confines of their booth be sensitive to the impact of their products on other members and the public. **It is recognized that the generation of sound may be integral to the successful sale of a product. However, as sound cannot be contained, if the respective parties cannot work out a workable compromise between themselves, it will become the General Manager's responsibility to impose a compromise in consultation with the parties concerned.** If mitigation is not successful the member may be asked to leave.

Discussion: Why not keep this product-based like the scents guideline, using the language "to sell the products in question" instead of "the member may be asked to leave." Generally the product isn't making the noise; it is the member or their customers. There are ways to deal gently with customer interactions that make noise. Most members agreed that the two guidelines should use similar language.

***Motion: Rescind the motion on Scents and send both the Scent and Sound guidelines back to the Standards Committee. (Paula/Julia) Motion passed 5-2(Alex, Maria)-0.

Discussion: There was no reason to change the scents guideline. Those objecting should be heard.

Services: Proposed changes to the Services policies, including suggested revisions:

Services: Services provided by vendors at the Market must meet the following requirements and will be asked to provide documentation each year upon membership renewal. The following is a list of acceptable services:

Mechanical: Vendors offering repairs, such as bicycle tire repair. Vendors offering technical consulting, such as computer repair.

Body Work: Services that are considered “Hands On” which involve touching the customer, including the use of tools, must meet professional and state guidelines requiring licensure and liability insurance. A copy of the license must be visible to the customer and proof of liability insurance must be available upon request. Examples of “Hands On” services include: Massage Therapy, Reflexology, Therapeutic Touch, Physical Therapy, Bioenergetics.

Faith Healers: By law, lay practitioners cannot make medical diagnoses and cannot promise a cure. However, information sharing, chanting, toning, or praying is acceptable if it does not disturb customers or other vendors. This is not considered a “Hands On” service.

Fortune Tellers: Card readings, astrology readings, psychic readings, tea leaf readings, I Ching readings, Rune Stone readings are acceptable, and are seen as offering a customer a story to ultimately interpret for themselves.

All new service vendors must be screened by the whole Standards Committee.

***Motion: Accept the description of Vendor Services (Alex/Julia) Motion passed 5-0-2 (Maggie, Maria).

There was a discussion of gun-shaped objects but no action was taken. In response to requests to sell marijuana products, the discussion of marijuana resulted in the following guideline for the Specific Craft Guidelines:

Proposed Guideline: Marijuana: Saturday Market, in accordance with Oregon State Law, does not allow any product containing marijuana or any derivative thereof, to be sold at Saturday Market.

***Motion: Accept the guideline proposal for Marijuana (Alex/Dave) Motion passed 6-0-1 (Julia).

There was a committee discussion on pipe sales, viewed as the beginning of many discussions. The legal age to buy a pipe is 18. It is not legal to sell a pipe to use for marijuana, only tobacco products.

***Motion: Approve the Standards Committee minutes (Alex/Julia) All in favor 7-0-0.

Holiday Market Committee: Alan gave the report of the August 12 meeting. There were no minutes but he reported that they discussed the budget and the Elf promotion.

***Motion: Approve the Holiday Market report (Julia/Paula) All in favor 7-0-0.

Lane County Farmers Market/Saturday Market Quarterly meeting: Paulette, Colleen and Kimberly reported on the August 11 meeting. The report from the UO on food-based development is back in discussion between the city, county and LCFM, and Saturday Market is not at the table. If this is a feasibility study for an indoor market, it may proceed without any input from our organization. It seems to be modeled on the Food Market space opened recently by Provisions, not a food hub with preparation or processing facilities and packaging. The 100-year celebration seemed to go well. The Tuesday Market was successfully relocated to the East Park Block. Thursday Market was going well. Holiday Market discussions included not allowing busking in the hallway between the two markets, and the area will possibly be decorated. Cross-promotions may be initiated involving the two markets for HM. Discussion of the FSP activities and Friends of the Farmers were held but no actions were taken. The next meeting of this group will be in February.

Soap Issue Discussion: Discussion points are of individual members and don't represent consensus unless so indicated. Kimberly updated the Board on the mitigations and responses. There were four formal complaints about the issue included in the Board packet, one with multiple signers; complaints were both complaining about the product and in support of finding a solution. Two suggested mitigations have not been agreed to: examining the recipes to see if changes can be made, and not bringing the most fragrant products to the Market. Mitigations for the product are not progressing. Member comments included the points that anecdotal complaints have also been heard, though they were not formally written and filed. Many soaps have been sold at the Market but this level of intensity of controversy is rare. The accusations of favoring longer-term vendors over new ones are felt to be unfounded, and the framing of the complainers as a targeted personal attack is felt to be inaccurate. Despite these feelings, the product seems to be the real issue. Other Fairs and festivals have many fewer guidelines than Saturday Market. Forcing them to leave the Market is not the goal on anyone's part. The tactics being used are not cooperative and have made the issue a political one attacking the Market in public. Members should not be engaging one-on-one with the principals at this point, even though many Board members have been lobbied by supporters. Studio visits are generally not used for the purpose of examining someone's recipes and couldn't include other soap makers if proprietary recipes are revealed. The Board feels bullied. Separate the business of the Market from the emotional reactions on both sides.

The GM wants the support of the Board to set a timeline for full compliance with her decisions as to the acceptability of the products. The issue is in the purview of the GM and the Board should offer support, making it clear that they back the GM 100%. A letter could be sent to them setting conditions for their future sales.

Additional requirements could include wrapping or double-wrapping all of the soaps. No unwrapped samples could be displayed. They could lower the scent level in all of their products or not bring the highly scented ones. Their behavior and actions are not staying within the intention of the Code of Conduct and some careful strategy seems to be called for. They seem to have put themselves into an opposition stance. Our practices are not to fight and oppose each other but work toward consensus. A mediator could be engaged. Four members present agreed to participate in the mediation if asked.

Paulette and Kimberly will craft a letter advising the Hascalls that the Board decided they cannot sell at Market until they meet with a mediator to work out the remaining issues.

Old Business: All of the listed items (Service lines, Reserve attendance and fees, January and July board meetings) were deferred to the next meeting.

New Business: Hot weather policy and Overnight vehicles deferred to next meeting.

Appoint Personnel Committee: New members are needed; must be Board members.

***Motion: Appoint Willy and Julia to the Personnel Committee (Alex/Maggie) Motion passed 6-0-1 (Paula)

Adjourned 9:00 pm.