

Market: 'The trend is away from malls and back to the downtown'



From left, Sean Fitzpatrick, Chris Holen and Shannon Fitzpatrick hope to host several businesses on the 6,500-square-foot main floor.

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The historical elements of the 1924 building will be restored, with reclaimed wood and other elements incorporated throughout and an open design so visitors can see between Commercial and Duane streets, Fitzpatrick said. The utilities and other aspects of the building will also be upgraded to be more energy efficient.

The tiling and other decorative features from the Commercial Street entrance will remain, with the J.C. Penney Co. sign displayed inside. The new name of the space, A.O. Market Pl., will be a nod to its previous tenant.

"If the stars align, we'd like to open in October," Fitzpatrick said.

After the food court and tap house are up and running, Fitzpatrick and Holen will start looking to fill the other spaces in the 14,000-square-foot building.

Upstairs from the main floor is a 2,500-square-foot mezzanine where the partners hope to add a clothing or other retailer.

"We would love to have something kind of like what J.C. Penney did, maybe more along a boutique level," Fitzpatrick said.

Downstairs is another 3,500 square feet. The partners hope to bring in some form of family entertainment, be it miniature golf, an arcade, an escape room or karaoke booths.

"We are encouraging people to bring us their ideas," Fitzpatrick said.

Fitzpatrick is focusing on dealing with contractors, while his brother, Shannon, is dealing with leases. Holen will manage the food side of the marketplace.

The irony of the building's new life is that J.C. Penney's downtown location was still profitable when the company decided to leave, Fitzpatrick said.

"It should not have been closed," he said. "The trend is away from malls and back to the downtown."

"The cool thing would have been for them to sell the building to me, and they stayed, and then we would have had our J.C. Penney."

Tall ships: Will arrive in Astoria on July 27

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a working waterfront: Commercial fishing boats come and go from packed docks, fish processing facilities line the water, tourist-based businesses — restaurants, shops, attractions — are everywhere and the streets hum with pedestrian, car and forklift traffic. The bulk of the bayfront district's revenue is made in July and August, the petitioners argued.

"Summer is already a challenge in terms of trying to maintain a working waterfront with forklift activity, large trucks pulling in and out of the plants, etc., with the amount of tourist traffic," one woman wrote to the port commissioners.

When the tall ships visited in the April off-season, "things got much worse," she added. "... Having the tall ships come in July is crazy. The Port does not need to attract more tourists to the bayfront in July."

Port staff offered the nonprofit several alternative dock options at other port facilities, but these weren't viable, said Brandi Bednarik, executive director of Grays Harbor Historical Seaport. At one location, Lady Washington would have been unable to load passengers or host dockside visitors. Port staff say the nonprofit also rejected an option that would have accommodated the smaller Hawaiian Chieftain while staff continued to look for a location for the larger Lady Washington.

"From our perspective, it came out of left field," Bednarik said of the business community's complaints and the decision by the port.

She expects the organization will lose \$50,000 to \$70,000 in revenue as a result. The nonprofit has had to refund or transfer around 2,100 tickets, as well as cover other related fees. The ships, by switching course to Coos Bay and

Astoria, will lose about six days of sold-out sailing time.

Bednarik is not sure yet what Newport's decision means for future tall ship visits to the city's bayfront.

"I think they should have communicated (their concerns) to us sooner and I'm really worried this could happen to us again if we went there," she said.

The Port of Newport issued a lengthy press release this week to clarify the commissioners' decision and the port's interactions with the nonprofit and the tall ships, and express disappointment over how the Grays Harbor Historical Seaport responded.

Under the moorage license agreement with Grays Harbor Historical Seaport, the port could amend the permit to use the dock at any time, or even cancel it outright with 30 days written notice, the press release states, but says the nonprofit released misleading information after the port revoked the permit.

"The port continued to be disappointed by (Grays Harbor's) decision to abandon Newport given that very viable options were made available," the press release stated.

"The commissioners for the Port of Newport try to weigh the needs of all users of the port when they are making decisions and this situation was no different. The needs of the commercial fishing industry, local port businesses, recreational users, and port visitors were all taken into consideration as options were developed. In the end, the Port of Newport is disappointed they will not be seeing the tall ships in Newport this summer but we hope they will continue to be successful and will consider the Port of Newport an option for their future plans."

The tall ships will arrive in Astoria July 27.

Justices strike down Minnesota clothing restrictions for voters

By JESSICA GRESKO
Associated Press

WASHINGTON — The Supreme Court on Thursday struck down Minnesota's broad restrictions on voters wearing "political" hats, T-shirts and pins to the polls, but said states can place limits on such apparel.

Minnesota contended the restrictions were reasonable, kept order at polling places and prevented voter intimidation. But the justices, in a 7-2 ruling, said the state's limits on political clothing violate the free speech clause of the First Amendment.

Chief Justice John Roberts wrote that "if a State wishes to set its polling places apart as areas free of partisan discord, it must employ a more discernible approach than the one Minnesota has offered here."

At another point he wrote: "Casting a vote is a weighty civic act, akin to a jury's return of a verdict or a representative's vote on a piece of legislation. It is a time for choosing, not campaigning. The State may reasonably decide that the interior of the polling place should reflect that distinction."

Most states restrict what people can wear when they vote, but Minnesota's restraints were some of the broadest. State law bars voters from casting a ballot while wearing clothing related to a campaign, such as a T-shirt with the name of a candidate. It also said voters couldn't wear a "political badge, political button, or other political insignia" to vote. That was the part of state law that was challenged and invalidated by the court.

Roberts said the problem came down to the word "political," which state law didn't define. He said the state's interpretation of what counted as political was unreasonable, covering any item that made reference to a group with recognizable political views



AP Photo/Jim Mone

Andy Cilek poses with a Tea Party shirt at his home in Eden Prairie, Minn.

or referring to any subject on which a political candidate or party has taken a stance.

"Would a 'Support Our Troops' shirt be banned, if one of the candidates or parties had expressed a view on military funding or aid for veterans? What about a '#MeToo' shirt, referencing the movement to increase awareness of sexual harassment and assault?" Roberts wrote.

Justices Sonia Sotomayor and Stephen Breyer would have sent the case to the Minnesota Supreme Court for clarification of the law's boundaries.

It is unclear exactly how many states the ruling could affect. Both Minnesota and the group challenging the state's law had said there are about 10 states with laws similar to Minnesota's, though they disagreed significantly on which ones.

Roberts said other states have laws that describe restric-

tions "in more lucid terms" than Minnesota's, referencing laws in California and Texas. California bars voters from wearing anything with a "candidate's name, likeness or logo" or a "ballot measure's number, title, subject, or logo," Roberts said, and Texas prohibits wearing anything connected to a political party appearing on the ballot.

Daniel Rogan, who defended Minnesota's law before the justices, said that while he was disappointed by the justices' conclusion, there was a lot in the opinion "we're very pleased about." Secretary of State Steve Simon, a Democrat, said he would work with the Legislature, which returns in January, to pass new voter apparel legislation. And Rogan said other provisions in state law will still bar voters from wearing apparel that promotes a candidate or party or that might be considered misleading to voters.

The case before the Supreme Court dates back to 2010 and involves a dispute that began over tea party T-shirts and buttons with the words "Please I.D. Me," a reference to legislation then under discussion in Minnesota that would have required residents to show photo identification to vote. The legislation didn't become law.

Pointing to the state's statute, Minnesota officials said before the election that neither the tea party T-shirts nor those buttons would be permitted at the polls. In response, a group of voters and organizations sued.

J. David Breemer, a lawyer with the Pacific Legal Foundation, the group behind the challenge, said the court "put all government entities on notice — they cannot dictate the terms of personal expression, nor can they designate the arbiters of free speech at their whim."

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