

PORT COMMISSION MEETING– April 8, 2015

The Port of Port Townsend Commission met in regular session at the Commission Building, 333 Benedict Street, Port Townsend, WA

Present: Commissioners – Tucker, Clinefelter and Hanke
Deputy Director - Pivarnik
Auditor – Khile
Planning Analyst – Toews
Environmental Compliance Officer - Cairns
Attorney – Goodstein
Minutes – Nelson

Excused: Executive Director - Crockett

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE:

Commissioner Tucker called the meeting to order at 1:00 PM.

II. APPROVAL OF AGENDA:

Commissioner Tucker changed the order of items to be read in Second Reading; placing Item C – EV Tourism to be read first (representatives in audience). Amendment to Agenda to include **First Reading, Item C – Events on Union Wharf and Executive Session, Item A - Real Estate.**

Commissioner Clinefelter moved to approve the Agenda as amended.

Commissioner Hanke seconded the motion.

Motion carried by unanimous vote.

III. CONSENT AGENDA:

A. Approval of Meeting Minutes – March 25, 2015

B. Operations Reports – March 2015

C. Approval of Warrants

Warrant #054341 through #054357 in the amount of \$99,952.52 for Payroll & Benefits

Electronic Payment to Union Bank in the amount of \$41,391.98 for Payroll & Benefits

Warrant #054358 through #054411 in the amount of \$105,806.83 for Accounts Payable

Commissioner Clinefelter moved to approve the Consent Agenda as presented.

Commissioner Hanke seconded the motion.

Motion carried by unanimous vote.

IV. PUBLIC COMMENTS (Not related to agenda) (1:20):

Troy McKelvey, Puget Sound Angler, reported on the progress of the sidewalk installation by the Boat Haven. Installation and planning courtesy of the Puget Sound Anglers; rebar courtesy of Carl's Lumber; backhoe & gravel courtesy of Leavitt Trucking; and the Port is supplying the concrete. Concrete is to be poured tomorrow. Mr. McKelvey added that local artist Melinda Bryden created fish made of steel and ceramic that will be installed in the sidewalk.

V. SECOND READING (Action Items):

C. EV (Electric Vehicle) Tourism (3:29):

Mr. Pivarnik briefed on the EV discussion from the last commission meeting. He informed that since the last meeting he and Commissioner Tucker met with Barney Burke of the PUD and learned PUD's plans for a community effort in applying for a Federal Grant worth \$250K. This will reduce the original estimated Port staff time of 120 hours towards grant-seeking, etc.

Tom Engle of Port Townsend discussed working with the Local 20/20 and their efforts. He explained the push by the Federal Government to reduce emissions in State Parks and that National Parks through Department of Energy has funds available for half-hour charging stations. He explained that 80% of EV owners live within 80 miles of Olympic National Park (ONP). The plan is to install these charging stations between Seattle and ONP and to invite partnerships with the Makah, Forks and Grays Harbor so that charging stations can be located around the entire Olympic Peninsula.

Barney Burke discussed possible charging station sites, which require 3-phase power.

Mr. Engle discussed the convenience of the Port's location to the ferry terminal, which would provide an ideal location.

Mr. Burke reported he has spoken with Clallam County PUD on collaborating with Local 20/20, including a letter of support.

The Commission agreed for staff to move forward on EV Tourism planning.

The Port Commission agreed to provide a letter of support for the Local 20/20 grant application, as requested by Mr. Burke and Mr. Engle.

A. Industrial Development Corporation (IDC) Application Form (17:15):

Mr. Pivarnik discussed the draft application form for Determination of Eligibility for Industrial Revenue Bond (IRB) presented at the last commission meeting. He explained this form would allow the Port to begin the process as the issuing agency for the IDC. He talked about the previous presentation from bond counsel, Cynthia Weeding.

Commissioner Clinefelter asked why the proposed application fee changed from \$1000 to \$2500.

Discussion ensued on the amount of fee to set and the expenses to the Port.

Pete Langley of the Port Townsend Foundry spoke against a high fee and gave examples of other entities who charge a lesser fee.

Discussions continued on the amount of fee to set.

Mr. Pivarnik suggested that based on what he was hearing from the commission is to set a fee of \$1000 and waive the fee for the first applicant.

The commission discussed whether to charge a fee or not and again, the amount of the fee.

Commissioner Clinefelter stated that when the first two inquiries were made to the Port, a fee had never been considered, so he believes it should be waived.

Commissioner Tucker moved to adopt the IDC Application (for Determination of Eligibility Industrial Revenue Bond) with the set application fee of \$1000 and to waive the fee for the first applicant.

Further discussion ensued.

With the motion on the table, Commissioner Clinefelter seconded the motion.

Motion carried by unanimous vote.

B. New Day Fisheries Lease (34:50):

Mr. Pivarnik explained this lease was presented at the last commission meeting and that New Day owner, Scott Kimmel, was here today to ask for a small change to the lease.

Mr. Kimmel asked to change Section 22 (Termination by Port) to a one or two-year notice instead of a 120-day notice, because if he had to move his equipment he would have to work the permitting process, which would take that long.

Mr. Clinefelter stated he had in front of him two different leases for New Day and there were discrepancies in the one presented today in the packet.

Discussion ensued on lease condemnation and the length of time for Port notice in section 22.

Commissioner Tucker moved to change Item 22 to a one-year period and approve the lease reflecting that change.

The Commission requested the correct lease with the change to Item 22 be presented at the next commission meeting for approval. The motion was tabled until the next meeting.

D. Engineer Applicants (59:24):

Mr. Toews reported the Port hired Harold Andersen as the Civil Engineer to assist with Capital Planning updates. He discussed Mr. Andersen's many years of experience, including work with local governments. Mr. Toews discussed the engineering timeline. He informed that he and Mr. Aase toured the Boat Haven facilities with Mr. Andersen and tomorrow will tour Point Hudson.

VI. FIRST READING (Discussion Only):

A. Non-compliance Fee (1:03:45):

Mr. Pivarnik discussed the "lack of ammunition" the Port had for customers who do not follow the BMPs. Staff would like to develop a fee-based non-compliance policy geared towards frequent abusers of the system.

Mr. Cairns briefed the commissioners on his tabulations of BMP Violations, from 4th quarter of 2013 to the present. He reported a disturbing fact that 80% of the violators admitted they just disagreed with the BMPs and chose not to follow them. Mr. Cairns believes more education is necessary along with a re-write of the haulout agreement, with a signature line acknowledging the BMPs. Mr. Cairns also presented a yard comparison of five other boatyards, which he discussed. He discussed the significant amount of time and money the Port has invested to maintain the Boatyard Permit. He would like Port patrons to acknowledge this and assure they keep their spaces tidy and abide by the rules. Violation types and fees were discussed in further detail amongst the commission and staff.

Commissioner Clinefelter suggested a rate reduction to those who maintain a record of no violations.

Further discussions included a fee escalation; whether to set fees based on type of violation; what steps to take if the Port exceeds six violations with DOE; and, more.

Commissioner Hanke asked why consider fees when the chart shows violations are decreasing. Mr. Pivarnik explained there are a few bad tenants who continue to violate, which puts the Port at risk of losing the Permit.

Commissioner Tucker stated he supports developing a fee schedule. He does not want to risk losing the Boatyard Permit and believes people should “play right or be charged”

Mr. Pivarnik added this discussion needs two or three more touches and discussion should involve the marine trades.

Mr. Toews added that a “culture shift” is necessary where the Port needs the cooperation and support from users to keep operations successful.

Commissioner Hanke would like to see a more detailed yard comparison survey from Mr. Cairns.

B. Restroom Open Hours (1:37:07):

Mr. Pivarnik explained he received a request to open the restrooms to the public earlier in the morning. He said in the past they opened at 5:30 AM, but over the years for some reason, changed to a 7 AM opening.

Commissioner Tucker stated he would like to see them open at 4:30 AM, especially for anglers who begin fishing early in the morning.

Commissioner Clinefelter added that he met with David King recently where they discussed public restrooms. He said he asked Mr. King why the Kah Tai restrooms were locked 24/7 and his answer was that the City has the same problems the Port faces with vandalism, homeless camping in the restrooms, etc.

C. Events on Union Wharf (1:42:00):

Mr. Pivarnik explained staff has received a few calls from parties interested in having weddings on Union Wharf, which the City used to allow. Since the dock was built with Federal dollars, it is required to be open and accessible to the public at all times. Mr. Pivarnik has learned there is event insurance available for people to purchase to cover liability. Staff will create a policy along with a form and user fee for rentals of the wharf and will bring back to the commission for approval.

VII. POTENTIAL IMMEDIATE ACTION ITEMS):

VIII. STAFF COMMENTS (1:44:32):

Ms. Khile announced fifteen people have signed up for auto-pay since the first of this month, total of 17 currently signed up for automatic credit card billing. She reported she is proceeding with the payoff of the 2005 revenue-refunding bond, which exceeds \$800K. She will present the delegation resolution at the next commission meeting.

Mr. Toews reported he would attend the April 22 (April 15), 2015 meeting in Sequim with the Climate International folks on the Climate Adaptation Plan.

Mr. Pivarnik thanked the fishing club (Puget Sound Anglers) for “stepping up to the plate” on the construction of the sidewalk. He then announced the AWOS is 100% up and running. (At this point, Commissioner Tucker presented Bill Putney, a pilot volunteer who oversaw the AWOS installation project, with a Jefferson County International Airport jacket.)

IX. PUBLIC COMMENTS:

X. COMMISSIONER COMMENTS (1:48:26):

Commissioner Clinefelter discussed the confusion of the New Day Lease document presented. He requests that all future draft documents included in the meeting packet are stamped "DRAFT".

Commissioner Tucker discussed the MRC meeting he recently attended. He was reminded at that meeting that the Port had participated in the South County mooring field/eelgrass project, and is involved with the Mystery Bay mooring field project, which Commissioner Tucker will help maintain the eelgrass buoys. Commissioner Clinefelter volunteered to help with that as well.

XI. NEXT MEETING: Next regular meeting will be held Wednesday, April 22, 2015 at 5:30 PM in the Port Commission Building, 333 Benedict St, Port Townsend.

XII. EXECUTIVE SESSION:

The regular session recessed into Executive Session, at 2:52 PM to discuss real estate, pursuant to RCW 42.30.110 (c), duration of fifteen minutes with no decisions.

XIII. RECONVENING AND ADJOURNMENT OF REGULAR MEETING:

The meeting reconvened and adjourned at 3:06 PM there being no further business to come before the Commission.

ATTEST:

Peter W. Hanke, Secretary

Stephen R. Tucker, President

Brad A. Clinefelter, Vice President