

PORT COMMISSION MEETING – September 23, 2009

The Port of Port Townsend Commission met in regular session in the Commission Chambers, 375 Hudson St, Port Townsend, WA

Present: Commissioners – Beck, Collins, Thompson
Executive Director – Crockett
Deputy Director – Pivarnik
Auditor – Taylor
Attorney – Goodstein
Substitute Recorder – Nelson

Absent: Recorder: Hawley

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE:

The meeting was called to order at 6:30 PM.

II. APPROVAL OF AGENDA:

The Agenda was amended with the addition to Old Business of Item B – Fort Worden Boat Ramp and the addition to New Business of Item C – Resolution No. 523-09 – Authorizing Participation in the 2009 Revision of the Jefferson County – City of Port Townsend Natural Hazards Mitigation Plan. Commissioner Collins inquired if there would be an additional item on the moorage collection and berth reassignment policies discussed at the previous Commission meeting. Mr Pivarnik replied that he is working with staff on this and he would have information at the next meeting. Mr. Crockett added that an executive session would be needed on potential legal issues regarding the airport. Commissioner Collins also proposed an additional Item D to New Business – A resolution on a Successful 2009 Wooden Boat Festival.

**Commissioner Collins moved to approve the Agenda, as amended.
Motion carried by unanimous vote.**

III. CONSENT AGENDA:

A. Approval of Minutes – September 9, 2009

**Commissioner Thompson moved to approve the Consent Agenda, as presented.
Motion carried by unanimous vote.**

IV. PUBLIC COMMENTS (Not related to agenda):

None from the Public.

Mr. Crockett invited everyone to look at photos brought in by the Gallants of Quilcene showing the sediment sampling process used in the Herb Beck Marina dredging project.

V. OLD BUSINESS:

A. National Maritime Heritage Area:

Mr. Crockett reminded of the meetings he has attended in the past few months in Port Angeles and Port Townsend on the proposed National Maritime Heritage Area; an area commonplace on the East Coast, but one of the first in our area. The National Parks have contracted with the National Historic Trust and Preservation Council to perform the feasibility study for the creation of the Maritime Heritage Area. This proposed area covers the entire coast minus Pacific County (who is already involved in another heritage-type area project (Lewis & Clark), the Puget Sound, Hood Canal, Lake Union, etc. This maritime area is similar to a historic trail, pointing visitors to different sites in communities. The project would be locally managed and would fall more under tourism/marketing rather than an environmental one. This has all come together from a feasibility study recently completed, reported Commissioner Collins, who advised that he attended the National Maritime Heritage meeting on the Friday of Wooden Boat Festival and was very impressed with the many maritime organizations that were represented. The group is looking for a letter of support from the Port, which Executive Director Crockett recommends. Commissioner Collins advised there are no additional layers of regulations involved, with no impacts on land uses, etc. He also informed that the Heritage Area combines a piece of history along with current uses.

Commissioner Collins moved to approve the letter writing. Motion approved by two yes votes with Commissioner Thompson abstaining.

B. Fort Worden Boat Ramp

Mr. Crockett explained he sent a letter in August to Kate Burke, Director of Fort Worden State Park and to the State Parks Director in Olympia based on a summation of meetings he had with Steve Tucker, a Port Boat Ramp Committee member. They would like to see the double lane ramp at Fort Worden become more useable for boaters during the busy fishing and crabbing seasons. This subject had been

addressed previously with Fort Worden staff with not much response. The letter written proposes that the Port help maintain the ramp. Ms. Burke responded by letter taking exception to boaters having limited use of the ramp. She admitted that anything more than a light trailer/boat combination does have difficulty with the ramp. She asked if the Port has any better ideas to bring them to her. Mr. Crockett and Mr. Tucker agreed that the easiest and least expensive option is for the Fort to keep the ramp clean on a regular basis, maybe once a week, as Mr. Crockett observed earlier in the day that both sides were covered in silt. Mr. Crockett stated that there would be legal issues on sharing fees collected between the Fort and the Port, if the Port becomes involved. Mr. Crockett and Commissioner Collins agreed earlier that a good start would be to create an open dialogue with the Fort on various possibilities in the future and to entertain the idea of an advisory group. Mr. Crockett suggested that he ask Ms. Burke to meet with him and Mr. Tucker to discuss this further. Mr. Tucker expressed his concerns over the current congestion at the Boat Haven boat ramp and the increase in usage when the A/B docks are replaced; losing 25' slips in this process, with more trailer boats using the ramps. He sees fewer ramps and more fishers in the future. He suggests that the Port and Fort partner on launch ramp permits, allowing reciprocal usage at Port/Fort ramps. Mr. Tucker also added the need for parking lot striping at the Boat Haven. Commissioner Beck stated that he has been hearing of boat launch parking problems and heavy ticketing issues at the Fort for years. Commissioner Collins asked if low tides are needed for ramp cleaning. Mr. Pivarnik replied yes, especially for L&I reasons. The backhoe is driven into the water and low tides are a necessity to perform this safely. This time of the year, low tides fall at night when the Port has no staff on duty. Mr. Crockett added, in his opinion, the ideal solution was to build a new ramp but grant money originally allotted towards funding of ramps had been swept away in the State's budget crisis. Mr. Crockett reminded that he sits on the Boat Ramp Committee in Olympia and he has not heard a good forecast for the next few years. Mr. Crockett will draft a letter to Kate Burke. Commissioner Collins would like the letter written on behalf of our stakeholders. Mr. Pivarnik states that the Fort may not want to encourage more ramp use due to the lack of available parking at the Fort. Mr. Pivarnik informed Mr. Tucker that State Representative Van de Wege would be speaking at the Chamber meeting lunch on September 28 and it might be a good idea to bring the boat launch and parking issues to his attention then. Mr. Tucker reminded all that boat ramps are a good revenue generator. Commissioner Beck added that he had sat on boat ramp committees in the past and neighboring property owners of ramps had issues with parking overflowing near and on to private properties.

VI. NEW BUSINESS:

A. Boatyard Committee Update

Mr. Crockett provided an update on a recent Boatyard Committee meeting he attended, hosted by the Northwest Marine Trades Association in Seattle on September 15th, a committee of private and public ramp owners. He reminded that approximately two years ago the Puget Soundkeeper Alliance filed a lawsuit against the Dept. of Ecology stating that DOE's environmental standards for boatyards were not strict enough on copper levels, sediment contaminant levels, etc. The Marine Trades Association counter-sued and a compromise came about at that time between the Puget Soundkeepers and the NMTA. In the meantime, DOE held a public comment period where the Port provided comments on January 30th of this year to the proposed new benchmarks. DOE never adopted this after receiving so many comments to the fact that an economic impact study had not been performed, which they are in the process of doing now and should have it finalized by the end of this month. Mr. Crockett foresees the possibility of another public comment period. The issue at hand is the former director of the Puget Soundkeeper Alliance has moved on and the current director is a former US District Attorney who has reactivated the appeal, with a court date set in Superior Court on approximately January 15th. Some fear that individual boatyards could be sued in the future by the Alliance. Mr. Goodstein added that the Clean Water Act allows for more citizen suits to pick up the slack where public agencies do not have the manpower, ability or desire to complete. A 60-day notice needs to be filed prior to the filing of a suit. Mr. Crockett added that he wanted to make everyone aware of this situation and will inform on when the public comment period is open. Another subject discussed at the meeting was E-Paint, a non-copper based bottom paint for boats. It is the preferred paint for Federal Government use, the U.S. Coast Guard, American manufactured boats sold

to Europe, etc. A ban in the U.S. on copper-based paints is a strong possibility in the near future. Mr. Crockett suggested a possible way to encourage our tenants to use the E-Paint would be to offer some type of yard lay-day discount, possibly 10%, for boaters that use the earth-friendlier paint. This would help to lessen copper levels found in stormwater. Most boat owners, he added, are not going to be so anxious to switch to E-paint due to the high cost, so an incentive program might be a good place to start. Mr. Crockett informed that Townsend Bay Marine has been using this type of paint for the past ten years or so. On another subject, Commissioner Collins inquired on the DOE grant where there is a two-year trial period using the new the system for our stormwater system. Mr. Crockett answered that it will be in place this fall.

C. Resolution No. 523-09 – Authorizing Participation in the 2009 Revision of the Jefferson County – City of Port Townsend Natural Hazards Mitigation Plan

Mr. Crockett explained that this is a requirement of special districts by FEMA.

Commissioner Beck moved to adopt this resolution. Motion carried by unanimous vote.

Mr. Crockett informed that he will be attending a meeting of JPREP (Jefferson County Emergency Management sponsored meeting) this Friday the 25th; with storms and wind damage being one of the agenda items.

D. Proposed Resolution on a Successful 33rd Wooden Boat Festival

Commissioner Collins informed all on the record number of participants that came to the Wooden Boat Festival. He also commented on the great weather and facilities offered at Point Hudson. He suggested it might be appropriate for the Commission to send a congratulatory letter to the Northwest Maritime Center and Wooden Boat Foundation on their very successful 33rd annual festival. He added that he would like to reaffirm the Port's relationship/partnership with the NWMC and WBF. Mr. Crockett suggested that a letter might be the best format, rather than a resolution.

Commissioner Collins moved to approve a letter of congratulations to be written to the NWMC and WBF. Motion carried by unanimous vote.

B. Approval of Warrants

Electronic Debit in the amount of \$7,587.47 for WA State Dept of Revenue Combined Excise Tax Return

Warrant #042813 through #042840 in the amount of \$40,934.19 for Payroll

Warrant #042841 through #042844 in the amount of \$18,301.34 for Payroll Benefits

Warrant #042845 through #042895 in the amount of \$68,952.83 for Accounts Payable

Commissioner Beck moved to approve the warrants as presented.

Motion carried by unanimous vote.

VII. STAFF COMMENTS:

Mr. Pivarnik explained a letter to the Commissioners from Mr. Bob Polk regarding his yard bill. Mr. Polk is asking for some credit due to the fact that he had to move his boat from the Point Hudson Marina for the Wooden Boat Festival earlier than required, as he would be out of state for his son's wedding. His boat ended up in our yard for a longer period of time (1-1/2 weeks longer) than if he hadn't had the wedding to attend. He paid the slip fee at Point Hudson as well as the yard fees. Mr. Pivarnik advised Mr. Polk that the Port had no policy to allow us to grant this credit and the Port cannot give credit of the State due to his circumstance. Mr. Polk is appealing to the Commission for reconsideration. Mr. Goodstein advised that there are no requirements for relief. Once a policy is created for ad hoc relief, the Port would be inundated with requests. Mr. Pivarnik added that Mr. Polk is not a permanent tenant and has been berthed in a limited access slip at Point Hudson. He also received the half price haul out discount. The Commission rejected Mr. Polk's request.

Mr. Pivarnik reminded, on another subject, that the Port had hired Landau Associates to audit our stormwater records with those of DOE. They are reviewing our entire SWIP. To date, they have found only ten minor errors. Eight are being corrected along with revised submittals. Some parts are being rewritten, but overall the document is looking very clean for DOE submittal.

Mr. Crockett stated that he had recently sent a letter of response to City Manager Timmons on the City's Kah Tai resolution request, informing them that a resolution is very premature at this point and an MOU would be more appropriate. Mr. Timmons and Mr. Crockett have a meeting scheduled for Monday, September 28th. The City and Port attorneys will continue to be kept informed on the progress.

VIII. PUBLIC COMMENTS:

Mr. J.D. Gallant added that he has a vessel in Quilcene that will be doing ecotourism. They will be using eco friendly paints on the boat. Mr. Crockett thought that this would be a good article for the Port's next newsletter.

IX. COMMISSIONER COMMENTS:

Commissioner Thompson stated that he had spoken with Chris Grace, a local marine trade's person. He has developed a type of industrial package for airports and would be willing to brief the Port on pitfalls that might be encountered along the way. Mr. Crockett added that it would be premature now, but we may be interested once airport rezoning has been approved.

Commissioner Collins announced that at the Special Workshop held earlier today, the Draft Strategic Plan was reviewed and finalized. He is wondering now, where do we go from here? Commissioner Collins introduced his ideas on some new initiatives that he would like to see pursued to build on the framework of the Plan. He presented the following ideas for future agenda items:

1. Develop the capital budget, but to go beyond that, maybe a "Capital Improvement Plan", which typically is a five-year rolling perspective of things to accomplish. Each year he would like to see decided how much of the "wish list" the Port could afford. Based on priorities, the Port would have an idea of what would be financially feasible.
2. Take the core values from the Plan and wrap them into an "Employee Code of Conduct". This would remind staff of the core values needed to personify with the customer. Everyone would be able to have the same guidelines of expectations of job performances.
3. Provide the Executive Director with an evaluation of his work on a regular basis. This would reflect on what is going right and what more could be accomplished.
4. Commissioner Collins reported that he, Commissioner Thompson and Mr. Crockett recently attended a WPPA Economic Development seminar in Walla Walla. From this meeting, he has come to believe that the Port should assist in an annual economic development summit. At the meeting, he observed other ports that are taking advantage of a person on their staff that, as a part of their job description, can focus more on economic development issues and have the ability to be more proactive on the subject of economic development. Commissioner Collins wonders if this would be economically feasible for our Port.
5. Development of a "non-profit assistance policy", which Mr. Goodstein had briefed the Commission on in a past meeting.
6. A review of the Port's practices on land leases. To identify policies and to review leases on a regular basis. Ideas could be introduced on ways to attract tenants, ideas on the best use of vacant properties and ways to further the Strategic Plan.

Commissioner Beck has observed that when the Port discusses economic plans for the future, the public looks at it as something too costly to pursue. Commissioner Collins added that economic benefits are usually not felt immediately, but are noticed in the long run. Mr. Crockett added that the Port of Walla Walla Commission is the Economic Development Board. And actually, the Economic Development Director is a Port staff member. Twice a year the community holds an economic development breakfast with the City, County, universities, business owners, etc. Commissioner Collins reiterated the importance of keeping economic development on the front burner for the community and the Port.

X. NEXT MEETING: Next regular meeting will be held Wednesday, October 14, 2009 at 1:00 PM with the Public Workshop beginning at 9:30 AM, in the Port Commission Chambers, 375 Hudson St, Port Townsend.

XI. EXECUTIVE SESSION:

The regular meeting recessed into Executive Session at 7:30 PM for discussion of litigation of property at the airport, with a duration of approximately twenty minutes, presumably, with no action.

At 7:50 PM Commissioner Collins checked outside to see if there were any public awaiting the reconvening of the Regular Meeting, since the Executive Session was running over the predicted time. No public was waiting. Executive Session continued for an additional eight minutes.

XII. RECONVENING OF REGULAR MEETING:

The regular meeting reconvened at 7:58 PM.

Following the Executive Session, Commissioner Collins presented a motion to authorize the Executive Director to correspond with the City Manager stating that the Comp Plan Amendment process should continue and that the Port would not request

an extension for public comment with the County, with regards to the Port's rezoning of airport property.

XIII. ADJOURNMENT

There being no further business to come before the Commission, the meeting adjourned at 7:59 PM.

ATTEST:

Herbert F. Beck, President

David H. Thompson, Secretary

John N. Collins, Vice President