

AGENDA
THE PORT DISTRICT OF SOUTH WHIDBEY ISLAND
SPECIAL MEETING

LOCATION: Grigware Hall at Trinity Lutheran Church, Freeland WA

DATE: March 25, 2009

1. 7:00 PM - SPECIAL MEETING
 - A. Call to Order
 - B. Pledge of Allegiance
2. PUBLIC COMMENT – Including Items not on Agenda.
3. ACCOUNTANT REPORT:
 - A. February 2009 Financial Statement
4. PROJECT ACTION ISSUES - Staff Report, Public Comment, Commissioners' Discussion
 - A. South Whidbey Harbor
 1. Harbor Operations
 1. Review of Interim Regulations and Proposed Rule and Policy Revisions
 2. Review of Proposed Harbor Fee Schedule for April-October 2009
 3. Additional Issues: Vendor Policy, Activities, Volunteer and Public Service Programs
 2. Fuel Possibilities
 - B. Clinton Beach, Fishing Pier, Dock and Parking Lot
 1. Dock - Rub Rail Replacement Project: Status update
 - C. Bush Pt. Boat Launch
 1. Manager's Residence: Septic Problems Solved!
 - D. Staff & Operations
 1. Website Upgrade & Maintenance Solicitation: Commission direction
 2. Boat Launch Float Installation Date Reminder:
 1. **Possession floats to be launched on Saturday, April 11**
 2. **Bush Pt floats to be launched on Monday, April 13**
5. OLD BUSINESS
 - A. April Meeting Date: Regular April Meeting to be **7:30pm, Wednesday, April 15**, at Grigware Hall, Trinity Lutheran Church (due to conflict w/ spring break)
6. NEW BUSINESS
 - A. County-wide Parks Issues: Multiple emerging topics, incl. 3/19 Coupeville meeting
7. EXECUTIVE SESSION
 - A. Property Acquisition Issue
8. ADJOURNMENT

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Special Meeting

March 25, 2009

Freeland, Washington

Present at the meeting were:

Commissioner Lynae Slinden, Clinton

Commissioner Geoff Tapert, Freeland

Commissioner Rolf Seittle, Langley

Ed Field, Port Manager

Dane Anderson, Port Finance Manager

Molly MacLeod-Roberts, Port Clerk

Rick Brewer, Port Harbormaster

Ed Young, Whidbey Island Kayaking

Darrell Posch, Clinton Resident

Absent: None.

1. MEETING CALL TO ORDER:

The Special Meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on March 25, 2009, in Grigware Hall at Trinity Lutheran Church in Freeland, WA. As announced, the primary purpose of the Special Meeting was for Commission review of proposed updates and revisions to the South Whidbey Harbor Regulations, as well as the Fee Schedule for 2009, in preparation for their adoption at the April 15 Regular Meeting. Commissioner Slinden, President, called the Special Meeting to order at 7:05 p.m., followed by the Pledge of Allegiance.

2. PUBLIC COMMENT – Including Items Not on Agenda: There was no public comment.

3. ACCOUNTANT REPORT:

A. Financial Statement: The Commissioners acknowledged the February 2009 Financial Statement, which had been mailed to them previously (**EXHIBIT A**). The Commission said they appreciated the new format of the financial statements.

4. PROJECT ACTION ISSUES – Staff Report, Public Comment, Commissioners' Discussion:

A. South Whidbey Harbor:

1. Harbor Operations:

a. Review of Interim Regulations and Proposed Rule and Policy Revisions: Port Manager Ed Field referred the Commission to their copies of the South Whidbey Harbor Regulations Draft Update (**EXHIBIT B**) delivered to them on Friday, March 20th. He explained that the draft update consists of the interim regulations as adopted last November, thoroughly reviewed by himself, Financial Manager Dane Anderson and Harbormaster Rick Brewer, and including comments from the Commissioners. The proposed changes to be discussed

have been highlighted. Commissioner Slinden suggested they review the document page by page.

- Page 1 accepted as submitted.
- Page 2 accepted as submitted.
- Page 3 accepted as submitted.
- Page 4, under II. General User Regulations, B. Vehicle Traffic/Parking, #3: Eliminate the first use of the word **(only)** and add the word **an** so the sentence reads: **Overnight parking is permissible only with the prior approval of the Harbormaster and is subject to an additional fee.** Page 4 accepted as amended.
- Page 5, under D. Swimming, Fishing, Water-skiing and Diving, #1: Add phrase so sentence reads: Swimming and water-skiing are prohibited **WITHIN** the Harbor, **except in designated areas.**

Before going on to Page 6, Commissioner Seitle said “there is a fairly large amount of outrage in the Langley area over personal watercraft (jet skis),” and he suggested the Port should prohibit the launching and recovery of personal watercraft. Commissioner Tapert disagreed. Dane said they would need to be careful with anything related to the State’s Recreation & Conservation Office (RCO), and personal watercraft falls very squarely into the recreational area. Rick pointed out that the Port could regulate the personal watercraft by speed limit in the harbor, which would cut down on the noise. Commissioner Tapert said the Port cannot prohibit recreational use as long as it is properly utilized. Commissioner Slinden agreed, and added, “We can’t prohibit it, but we can restrict it.” Rick said the restrictions are already in the document and the Harbormaster may request persons violating the Regulations, including the posted speed limit set by the Harbormaster (3 miles per hour and no wake within in the Harbor) to leave the Harbor, and the violation may result in the revocation of the privilege of use of such facilities. Rick did not feel any additional language or regulations were required. He added that channel markers would be placed outside of the Harbor, so there will be a clear, regulated channel coming into the Harbor.

- Commissioner Seitle noted that Page 5 states that bottom cleaning is prohibited, and he said bottom cleaning of boats has always been allowed in marinas. Rick explained that it is prohibited by the Coast Guard as an environmental issue per the Clean Water Act. Page 5 was accepted as amended.
- Page 6 - The Commission agreed dogs should be on leashes, so the highlighted area was deleted. Page 6 was accepted as amended.
- Page 7 accepted as submitted. After a brief discussion, Ed and Dane said they would check with the RCO to see if reservations were permitted or not, and the Commission agreed they are in favor of taking reservations if allowed by RCO.
- Page 8 accepted as submitted, including the deletion of items 2. and 3. related to Winter Full Term Moorage since it is essentially the same as Winter Monthly Moorage.
- Page 9. Rick said if the Port wants to set aside some space that is not encumbered by RCO for a tour boat or other commercial use, the only way to do that now is to use part of the 200 linear ft. of dock space that is unencumbered. He noted that right now all but 5 ft. of that unencumbered 200 linear ft. of dock space is taken up by annual moorage. Ed added that the commercial use could be something like the Victoria Clipper, or it could be a kayak rental business. Commissioner Slinden asked if something like the kayak business could be located at the end of one of the piers, and Rick said, “As long as you swap foot for foot as we’re doing now” (transient for unencumbered), and as the City of Langley did. Commissioner Seitle voiced his disagreement with the way the City handled permanent moorage slips.

After additional discussion, Ed asked the Commission, "If an annual slip opens up, do you want a policy that gives priority for commercial use or a recreational boater (annual moorage)?" Commissioner Slinden said she would like to enhance the commercial availability rather than annual moorage for a recreational vessel. They could also assign it on a ratio basis, such as 2/3 annual moorage and 1/3 commercial. In her opinion, a 50/50 split on a priority basis would be ideal. Commissioner Seitle said he was opposed to giving preference for commercial use (particularly commercial fishers) for permanent moorage. He would not give any preference for commercial use and keep it all for annual moorage for recreational boaters. Commissioner Tapert said that based on the limited amount of unrestricted moorage space available, the Port needs to be very careful in how they utilize it. He favors commercial activities, but does not want to make a formal policy decision at this time. He would like to leave it up to the discretion of the Harbormaster, with the understanding that commercial use is preferred.

Page 9, under 4. Annual Moorage, c. was subsequently revised by Ed to read, "A waiting list has been established, **allowing potential private boaters to sign up for an annual moorage space, and proposals for possible commercial opportunities may also be submitted to the Port at any time. When an annual moorage berth becomes available, the Commission shall prioritize consideration of proposals for commercial opportunities which enhance the recreational experience, with the waiting list for possible private moorage to reviewed (with the following factors i. and ii. to be taken into consideration) only if there are no commercial proposals which are determined to be preferable with respect to addressing the Port's Comprehensive Scheme goals within the legal constraints applicable to the Harbor properties.**

- Page 9, F. Live-aboards: Commissioner Seitle said he is opposed to live-aboards. Commissioner Tapert agreed there are challenges with utilities, etc. for live-aboards, but he likes the idea of having someone present there 24/7, similar to a caretaker or a Block Watch. Commissioner Tapert said his preference was for no more than 2 live-aboards. Commissioner Seitle said that the Department of Natural Resources (DNR) is opposed to having live-aboards in DNR waters, and he doesn't believe "that little Harbor is suitable for live-aboards." Commissioner Slinden disagreed, and said there is some advantage to having at least one live-aboard there. The following text was added under F. Live-aboards: **1. A maximum of two (2) live-aboards may be allowed for Long-Term Moorage.** The remaining items were renumbered accordingly. Page 9 was accepted as amended by a majority of the Commission, with Commissioner Seitle opposed to priority for commercial use and opposed to allowing live-aboards.
- Page 10 accepted as submitted, including the proposed deletion of text.

ACTION: A Motion was made by Commissioner Tapert and seconded by Commissioner Slinden to accept the remainder of the South Whidbey Harbor Regulations Draft Update (pages 11-19) as submitted.

- Page 11, J. Dinghies, Rowboats, Kayaks and Tenders: Commissioner Seitle noted that the City of Langley had charged an annual fee for dry storage of dinghies, but no fee is mentioned in the section. Item 2 was amended to read: Small manpowered craft, rowboats, kayaks and vessels under 20 ft. must be secured in designated area or

assigned by Harbormaster, and will be subject to an additional fee. Page 11 accepted as amended.

The Motion passed unanimously.

Commissioner Slinden noted that the South Whidbey Harbor Regulations as modified at this meeting (**EXHIBIT C**) would be formally adopted at the Port's Regular Meeting on April 15, 2009.

b. Review of Proposed Harbor Fee Schedule for April-October 2009 (EXHIBIT D):

Commissioner Tapert asked how the proposed fee schedule compares to Coupeville, Oak Harbor and Everett, and Rick said it is right in line with comparable-type facilities such as Poulsbo, Port Ludlow and Hudson Point. Commissioner Slinden asked how it had changed, and Ed explained that the proposed fee schedule is simplified. The City charged per length of boat within a range, and the new fee schedule is based on the length of the slip the boat can fit into. For linear dock space, the fee is \$1 per foot.

Commissioner Slinden asked if the simplified version is typical at other marinas, and Rick said it was. Commissioner Tapert thought \$5.00 for 2-hours (day use) was too cheap, and hardly worth collecting, and wondered if it shouldn't just be free of charge. Rick confirmed \$5.00 was "the going rate" for a small facility and explained that collection of the fee is not very time consuming so it is actually financially beneficial to the Port. If day use was free of charge, Rick warned that people would come and stay all day and then there would be no room for boaters seeking overnight moorage.

ACTION: A Motion was made by Commissioner Seittle and seconded by Commissioner Tapert to approve the South Whidbey Harbor Fee Schedule, Effective April 15, 2009 through October 1, 2009, as presented. The Motion passed unanimously.

c. Additional Issues: Vendor Policy, Activities, Volunteer and Public Service Programs: Ed reported that Rick is taking the lead on this and they are trying to encourage as much activity as possible at the Harbor, within the tight constraints the Port has with limited space and the RCO encumbrances. Rick explained he wanted the Commission to consider the following questions and provide direction accordingly: 1) does the Port want to allow vendors on Port property, 2) what type of vendors would be acceptable, and 3) what procedures should be followed (applications, approvals, fee basis, etc.). Commissioner Tapert thought vendors would be fine, but the vendors should be charged a flat fee rather than a rate based on sales. Commissioner Slinden said there is a potential for vendors, but felt they don't need to go into a lot of details right now. Ed said they would continue to look into it and get additional background, they basically just wanted concurrence from the Commission that this is the type of activity they would like developed, and Rick, Dane and Ed will work on procedures, etc.

2. Fuel Possibilities: Dane said he has started researching different possibilities for fuel on the uplands with a local vendor and working on possible solutions. The concept is to have a dispensing facility that is vendor owned, with all liability held by the vendor. The Port would lease space to the vendor on a cents per gallon basis, and the vendor would train Port staff to be their "official dispensing person." The Commission agreed Dane should continue to gather information.

B. Clinton Beach, Fishing Pier, Dock and Parking Lot:

1. Dock – Rub Rail Replacement Project Update: Ed said he notified Island County that the Port is doing the repairs, and the County responded that they approved it. The County agreed the work needed to be done, acknowledged that the project is exempt from Shoreline Substantial Development permit and SEPA, but added that the Port needed to coordinate with the Washington State Department of Fish and Wildlife and copied WDFW on the response. Ed said since it has been approved, “it is clean,” and the contractor is proceeding with fabrication, etc. right now.

Ed reported that Mike Helland of the Clinton Water District finally inspected the Clinton Beach hillside and discovered that there was indeed a leaking pipe. It’s been repaired and the hillside is slowly drying up, so the standing water on the lawn should also dry up soon.

C. Bush Point Boat Launch:

1. Manager’s Residence: Septic Problems Solved!: Although it was feared the septic system has failed, at Commissioner Tapert’s suggestion the line was checked and it turned out that a large wad of hair had blocked the line. The plumbing company took care of it, and Manager Abram Abella is scheduled to move in this weekend.

D. Staff & Operations:

1. Website Upgrade and Maintenance Solicitation: Commission direction: Commissioner Slinden recommended placing an ad in the local newspaper to get additional responses and Commissioner Tapert agreed. Commissioner Seitle said he would like at least one webcam installed at the Harbor and felt it could be done inexpensively with a DSL connection. Commissioner Tapert said a wireless camera could be used. He added that he would like to speak with George Henny of Whidbey Telecom regarding using the Wi-Fi system at the ferry dock for a web cam at Clinton Beach as well, and the Commission agreed.
2. Boat Launch Float Installation Dates Reminder: Possession floats are scheduled to be launched on Saturday April 11th; Bush Pt. floats on Monday, April 13th.

5. OLD BUSINESS:

- A. April Meeting Date: Regular April Meeting to be at 7:30 p.m. on Wednesday, April 15th, at Grigware Hall, Trinity Lutheran Church.** The Commission concurred.

6. NEW BUSINESS:

A. County-wide Parks Issues: Multiple emerging topics, including 3/19 Coupeville meeting:

Commissioner Slinden attended the 3/19 Round Table meeting and an email summary of the meeting is attached (**EXHIBIT E**). The Island County Council of Governments sent a letter to Governor Christine Gregoire (**EXHIBIT F**) asking for a withdrawal of Island County State Parks from consideration of closure, mothball or transfer of title. Commissioner Seitle reported that he had signed the letter on behalf of the Port Commission. All agreed it was a good letter.

7. EXECUTIVE SESSION:

A. Property Acquisition Issue: After a three-minute break, the Board of Commissioners went into Executive Session to discuss a property acquisition issue at 9:08 p.m. The Executive Session concluded at 9:30 p.m.


8. ADJOURNMENT:

The meeting was adjourned at 9:31 p.m.

Approved:



Commissioner Rolf Seitle, Langley



Commissioner Lynae Slinden, Clinton



Commissioner Geoff Tapert, Freeland

Minutes prepared by:



Edwin S. Field, Port Manager

- Exhibit A: February 2009 Financial Statement
- Exhibit B: Draft Update – South Whidbey Harbor Regulations
- Exhibit C: Final South Whidbey Harbor Regulations (to be adopted 4/15/09)
- Exhibit D: Proposed South Whidbey Harbor Fee Schedule
- Exhibit E: 3/20/09 Email summary of Round Table meeting from Terri Arnold, Director of South Whidbey Parks & Rec District
- Exhibit F: Letter dated 3/25/09 from Island County Council of Governments to Governor Christine Gregoire