PORT OF KINGSTON

Port of Kingston Board of Commissioners
Special Meeting

05/09/2017 9:00 AM
Kingston Cove Yacht Club: 25878 Washington Blvd
Kingston, WA 98346

Meeting called by: Port of Kingston Commissioners

Type of meeting: Special Meeting

Meeting Minutes

Commissioners Present
Commissioner Walt Elliott
Commissioner Bruce MacIntyre - Via Teleconference
Commissioner Mary McClure

Commissioners Excused

Staff Present
Executive Director, Jim Pivarnik
Recording Secretary, Samantha Berger
Port Assistant, Jeanette Swanson

Counsel Present
Goodstein Law Group, Carolyn Lake

Public in Attendance: 1

1. **CALL TO ORDER: 9:02 a.m.**
2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENT:**

   Laura Gronnvall addressed the Board with her planned attendance dates for upcoming Port Commission Meetings, noting that there will be several Tuesday Commissioner Work Sessions and Meetings that she will not attend in May and June due to schedule conflicts.

4. **ACTION ITEMS:**

   A. Toth Property: Discussion on Public Hours, Rules and Signage

   Executive Director Jim Pivarnik led a discussion on the topic of operating hours and rules of use for the Toth property, which is currently available for public use seasonally during Port Office business hours. Citizens have voiced the desire to see the property's hours of operation extended to day use hours/sunrise to sunset, or to allow for twenty-four-hour access. The Board discussed options for extending access hours that would be feasible for the Port based on staffing

constraints, including the option of leaving the pedestrian gate open twenty-four-hours daily, providing for later access hours during the summer months, or exploring the option of installing a timer-operated security latch on the existing pedestrian gate. Port Staff will return with quotes for the security latch option, and potential rules and draft policies for twenty-four-hour operations and day use options at a later date. For discussion only. No Action was taken.

B. Discussion on Sponsorship of Welcome to Kingston Sign

Executive Director Jim Pivarnik presented the Board with details on sponsorship opportunities for the proposed electronic Welcome to Kingston sign, noting that any donation made by the Port must align with the State Auditor's Office donation guidelines. Per these guidelines, the Port may contribute to the project as a major sponsor provided the Port's logo is displayed on the sign. The project is in need of a minimum of $15,000.00, an entity to take ownership of the sign and provide maintenance and insurance, and an entity to control operations and programming. Commissioner Walt Elliott suggested Port Staff contact Linda Fyfe of the Village Green to discuss roles and expectations in the sign's ownership and operations, and voiced his support of the Port participating as a major sponsor. Commissioner Bruce MacIntyre also voiced his support of the Port participating as a major sponsor, and asked about Port staffing for sign operations. Executive Director Pivarnik noted existing Port Staff is qualified to take on the sign's programming, scheduling and calendar coordination for events, and requested the Commission's authorization to spend up to $20,000.00 out of reserves to fund the sign project as a major sponsor. Board President Mary McClure opened the floor for further discussion, and further conversation led the Board to request more information regarding the Port's commitment level should a decision be reached to sponsor the project. Executive Director Pivarnik will return with more information at a later date. For discussion only. No Action was taken.

5. RECESS TO EXECUTIVE SESSION: 9:28 a.m.

6. EXECUTIVE SESSION: *The Commission recessed to Executive Session per RCW 42.30.110(1)(i) "To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when pubic knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency."; and*

Executive Session per RCW 42.30.110(1)(g) "To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries,

wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public."

7. **RECONVENE TO REGULAR MEETING: 9:58 a.m.** Discussion Only. No Action was taken.

8. **AGENDA ITEMS FOR POSSIBLE ACTION:**

A. Kingston Road Culvert Project: Settlement of Pollution Control Hearing for Appeal

Port Legal Counsel Carolyn Lake spoke to the Board on the Stipulation and Agreed Motion to Dismiss, noting that the appeal stipulated that the Department of Ecology attach additional permit conditions to its Water Quality Certification that require the United States Navy to provide monitoring and data collection at four sections, both pre-construction and annually for a period of five-years following the completion of the project. The appeal also allows for the Port to volunteer additional data and sedimentation measurements to the United States Navy as per the same sampling locations and collection schedule as a comparative, with the Port agreeing to hold the Department of Ecology harmless should evidence of sedimentary pollution of the navigation channel become apparent through monitoring, for up to five years after project completion. This hold harmless would not extend to the United States Navy. This will allow a pathway for corrections should an adverse impact to the Port's navigational channel be felt as a result of this project.

Motion: Approve the Stipulation and Agreed Motion to Dismiss as provided by Port Legal Counsel.

Moved by: Commissioner Walt Elliott

Seconded by: Commissioner Bruce MacIntyre

Action: Passed 3-0

B. Personnel: Employee Severance Package

Executive Director Jim Pivarnik presented the Board with an update on Port Staff structure and re-organization. Effective Friday, May 5th, 2017 the position of Office Assistant was eliminated, with those duties and functions being absorbed by the position of Marina Supervisor and additional support staff. This restructuring streamlines procedures and reduces Port Administrative Staff to a total of six people. The employee that filled the position of Office Assistant has been a dedicated and hard-working member of the Port's Administrative team, and leaves the Port with the highest recommendation and references in support

of their continued professional growth. Executive Director Pivarnik requested the Board's authorization to negotiate and approve a suitable severance package.

Motion: Authorize Executive Director to negotiate and complete an employment separation agreement.

Moved by: Commissioner Walt Elliott

Seconded by: Commissioner Bruce MacIntyre

Action: Passed 3-0

9. STAFF COMMENTS:

The Board welcomed Secretary to the Board Samantha Berger back to work. Welcome back Sam!

Public Records Officer Samantha Berger presented the Board with a current status of open Public Records Requests, noting a large number of new requests submitted via email over the weekend.

Executive Director Jim Pivarnik presented the Board with finished drawings for the Port's Administrative Offices, and fielded questions from the Commission on permitting, the proposed fire pit and associated questions on proposed policy and accessibility to the public. Port Staff will be adding the project to the Port's website.

10. COMMISSIONER COMMENTS:

Commissioner Walt Elliott Spoke on the SR104 working group being organized by Kitsap County Commissioner Rob Gelder, which will deal with both legislative funding for the SR104 Bypass and traffic issues. Commissioner Elliott joins the group as a representative of Kingston in light of his involvement on the Ferry Committee, not as a representative of the Port of Kingston. The first meeting for the working group should take place in the beginning of June 2017. Commissioner Elliott commended Port Staff for their excellent support during the raising of the Rotary Tent for the 2017 Season. Thumbs up to Ray Carpenter and his team at the Port of Kingston. Great Job!

Commissioner Mary McClure commented on the first Kingston Farmer's Market, noting that the event had a great turnout with more vendors and lots of families, which made for a great opener. Commissioner McClure praised Port Staff's role in the Rotary Tent raising and thanked Ray Carpenter and his team for a great job.

Commissioner Walt Elliott inquired about Kingston Opening Day, to which Executive Director Jim Pivarnik responded with an update on planned events for that weekend. Executive Director Pivarnik also commented on Saturday's delivery of the fun and colorful giant Adirondack chairs, noting that families came over from the ferry line to enjoy the chairs and take photos once they were set up.

11. **NEXT REGULAR MEETING DATE:** Wednesday May 24th, 2017 at 1:00 p.m.

12. **ADJOURN:**

Motion: To adjourn Meeting at 10:20 a.m.

Moved by: Commissioner, Walt Elliott

Seconded by: Commissioner, Bruce MacIntyre

Action: Passed 3-0.

Meeting attested by:

Board Chair, Mary McClure

Board Vice Chair, Bruce MacIntyre

Board Secretary, Walt Elliott

Secretary to the Board, Samantha Berger