

PORT OF BELLINGHAM

MAC (MARINA ADVISORY COMMITTEE) MEETING
TUESDAY, MARCH 12, 2013
SQUALICUM HARBOR OFFICE
BELLINGHAM, WASHINGTON

Minutes

Committee Members Present:

Bill Douglas
Elizabeth Kilanowski
Ron Kleinknecht
Gene Knutson
Jim Kyle
Brian Pemberton
Ian Puchlik
Doug Sterrett
Jerry Writer
Jim Young

Committee Members Absent:

Peter Border

Port Representatives Present:

Dan Stahl
Chris Tibbe
Pam Taft
Andy Peterson

Committee Members Excused:

Visitors/Guests:

Commissioner Jim Jorgensen
George Mundell

Roll Call

The meeting was called to order at 6:00 pm.

February 12, 2013 Minutes

The February 12, 2013 minutes were approved unanimously. The motion to approve the minutes was made by Gene Knutson and seconded by Jim Young.

Public Comment

None.

Dockside Feedback

None.

Gate 12 Parking Update

As previously requested by the MAC, Chris Tibbe reported back that he and Dan have met with Port real estate staff to investigate parking capacity for Gate 12 boaters. Chris reported back that Squalicum staff has been doing some spot checks to tally available parking spaces on the Bellwether peninsula. Chris reported that there are 180 parking stalls beneath the Bellwether Building that are available for boaters. Recent checks have shown a minimum of 30 empty stalls during those visits. Chris also stated that the loading zone signage has been reviewed and changed to make it more available for boaters. A customer from Gate 12 commented that there is a gray Mercedes and a white Toyota pick-up truck that seem to camp out at these spots. Staff will begin the process of notifying and eventually towing these vehicles if they are left in the loading zones.

Jim Young was appreciative of the follow through. Chris commented that staff will continue to keep an eye on it as we get into the warmer weather and the busier boating season.

2013 Capital Projects - Update

Chris Tibbe and Andy Peterson gave a review for the MAC regarding the Port's capital projects for 2013. The highlights follow:

- The inner harbor capital maintenance work will continue through August 2013. The Port anticipates adding to the scope of work the additional task of installing dock boxes and dock ladders. With the completion of this project all the appropriate slips at Squalicum Harbor should receive a functional dock box by the end of 2013.
- The parking lot at the boat launch was paved on March 12. The contractor will wait for some extremely low tides in August to finish installing some of the hardware and complete ramp repairs.
- The improvements at Gate 9 had a slow start but are essentially finished. Many thanks to the Corinthian Yacht Club for the inconvenience that they endured. Boats are moving back to this gate.
- The improvements at Gate 8 had a quicker start. Chris commented that customer built dinghy racks will not be allowed to be installed at the individual slips per the rules and regulations. All tenants are encouraged to use the Port of Bellingham installed dinghy racks. These racks are available on a first come first serve basis. Tenants may also store their dinghies on the boat, or if of appropriate size, store in water at the bow of the boat. This regulation is in place to protect and prolong the life of the whalers and floats.

Safety Improvements Related to March 2012 Boathouse Fire

- a. Preliminary design and cost estimate for pressure line to serve condo-style boathouses in Squalicum Harbor. Dan gave an update to the MAC regarding the pressure line that the condo style boathouses will need to be in compliance with the new Bellingham Fire Department requirements. At the last meeting, the MAC recommended that staff temporarily suspend the question of who will pay for this study and encouraged the staff to proceed with steps to initiate this review process. In this way, the Port would be studying both its own requirements for the standpipe system and also investigating, on behalf of the condo style boathouse owners, the pressure line that they need to feed their soon to be designed sprinkler system. Dan reported back that he had worked this internally through Port staff and received permission to proceed. The Port is currently out on the street with advertisements for

these services. Dan reported back that operating and engineering staff will then combine these analyses to see if there is any synergy between them and report back at a future meeting. The MAC was appreciative of this quick follow through. Several members pointed out that the funding question remains to be resolved but there was appreciation for moving forward with these improvements as they will help improve safety in the harbor which everyone agrees is a very important goal.

- b. Rules & Regs changes to require condo-style boathouses to execute Organizing Agreements with PoB; and requiring all boathouse owners to provide liability insurance for their structures. Before addressing the specifics of this item, Dan reviewed the history that brought the MAC to this point. The MAC will remember that this was first brought to them at the meeting in November 2012 at the Harbor Center. At the meeting, the MAC had invited all of the condo style boathouse owners to attend to discuss this item. At that meeting, there was a very good turnout and some very good discussion with Ken Culver, Bob Tull, Bill Dodge. The discussion of the changes to the Rules and Regs was essentially sidelined because the MAC decided to form a sub-committee and study the issue at the request of the condo style boathouse owners. That sub-committee has met three times and does not have another meeting currently scheduled. During those discussions in the sub-committee, Ken Culver had made a number of suggestions to get the changes to the Harbors' Rules, Regulations, and Procedures draft boathouse policy updated. Dan's task for the MAC on this date was to review that updated document, provide feedback to staff and be prepared to take action at the next meeting on April 9. With that general discussion Dan turned the floor over to Pam Taft who reviewed the draft policy (attached to these minutes). The four page document outlines additional definitions to be added to the Rules and Regs, discusses communications with the boathouse owners, reviews insurance language and further defines the relationship between the Port and the owners of these large privately owned structures. The floor was then opened up for discussion. Brian Pemberton informed the MAC that he had had some follow up discussion with Bob Tull very recently. Bob Tull apologized for not being able to produce a draft earlier Organizing Agreement earlier, but due to issues outside of his control was not able to move forward. Apparently Bob is now committed to having a draft for review in two weeks which was greeted by much appreciation by the MAC sub-committee. Pam Taft will schedule a meeting a few weeks out so that the document can be reviewed by the whole sub-committee. Dan asked the MAC if they were interested in having Port legal counsel at the April meeting when they will be asked for a recommendation on the document. It was agreed that staff would ask this question again after an updated document is distributed to the MAC prior to their next meeting.

Review of MAC Rules of Order and Resolution #1144

Dan reviewed the history of Resolution 1144 and the Rules of Order for the MAC dated February 12, 2008. A good discussion ensued with both the new and the old MAC members. Brian Pemberton, as chair, reinforced with the MAC that their role is advisory only and emphasized that the MAC does have influence at a policy level with the Port Commission and appreciated everyone's participation and engagement with the group.

The second point that Brian emphasized was that the MAC meetings are open and that the MAC seeks to conduct business in a transparent and welcoming way to both visitors and constituents.

The last point was that for the MAC to be successful, it always needs to be respectful of others and collegial in its dialogue.

There were several comments about the MAC's Rules of Order regarding voting in the event of a tie: How should that be handled? There was also a process question about whether or not the MAC should be operating under Robert's Rules of Order. Dan said that he would take the MAC's comments, draft some changes and bring that back at a future meeting.

Staff Updates

1. Chris Tibbe discussed with the group that he recently signed an invoice for pay phones at Squalicum Harbor and was surprised at how expensive they were. Squalicum Harbor pays for six pay phones to the tune of \$7,500 a year. Blaine pays for three totaling \$3,500 per year. The question was "Is this worth the money?" Chris talked about the possibility of perhaps removing some or all of these pay phones and installing less expensive security phones so that boaters and the public would still have access to a 911 call but that some expense could be shed associated with the pay phones. It was agreed that Chris would check into usage on the phones and bring the item back for further discussion at the MAC meeting next month.
2. Dan informed the MAC that the G East boathouse owners in Squalicum Harbor have ultimately decided not to rebuild their structure. Several of the members are still interested in slips. Dan reported that those members have been placed at the top of the wait list and that the Port will now proceed with infilling that area with open slips.
3. Elizabeth Kilanowski had three additional updates for the group: 1) There is an upcoming event that MAC members might be interested in. Dr. Joe Gaydos, from SeaDoc Society on Orcas Island, will speak at the Mt. Baker Theatre. His topic is: Seals and Sea Lions of the Salish Sea. It is on March 21 at 7pm. 2) The second event, which will be co-sponsored by the Port of Bellingham, is the "What is Ocean Acidification?" discussion that will take place at the Bellingham Cruise Terminal on March 28 from 6-8pm. And 3) The Dept of Ecology is seeking public comment on a no-discharge zone in Puget Sound. All three of these events garnered discussion and interest from the MAC members present.

With there being no further business the meeting was adjourned at 7:50 pm.

**New Port Ops Language
New Code Language per Bellingham Municipal Code
Working Draft - 12 March 2013**

1. INTRODUCTION

1.3 DEFINITIONS

- D. Individual Boathouse and Multiparty Boathouse: A Boathouse (both individual and multiparty) is an independently floating structure which is capable of being moved on water, but is typically moored to a float system which is connected to Port float system and covers or encloses a Vessel or Vessels moored in a Slip. A Multiparty Boathouse is a Boathouse that covers or encloses more than one Vessel moored in adjacent Slips. An Individual Boathouse covers or encloses only 1 Vessel.

(It is noted that in the City of Bellingham Ordinance # 2012.09.044, Section 4502, 'Definitions', the term "Condominium Boathouse" is used instead of Multiparty boathouse.)

- E. Boathouse Owner: The owner of an Individual Boathouse or the collective owners of a Multiparty Boathouse. The Boathouse Owner must be an individual or a Boathouse Organization (as defined herein) duly registered in the State of Washington.
- F. Float: A floating structure normally used as a point of transfer for passengers and goods, or both, and for mooring purposes.
- G. Boathouse Organization: A legal entity properly registered in the State of Washington that owns a Multiparty boathouse.
1. Multiparty Boathouse Agreement: An agreement (which is separate from a moorage agreement) that is between the Boathouse Organization and the Port of Bellingham.

2.3 MOORAGE & FACILITIES

- J. **Boathouse Moorage:** Boathouses (individual and multiparty) are billed pursuant to Moorage Tariff No. 1. .
1. Multiparty Boathouse Owners must form and maintain a Boathouse Organization acceptable to the Port (i.e. partnership, association, LLC, etc.), and submit evidence, in the form of a certificate of registration and evidence of annual renewal from the Washington Secretary of State.
Persons with an interest in Multiparty Boathouses will be given until January 1, 2014 to meet these requirements.
- a. Boathouse Organization must formally appoint one person to act as the contact person for the Port to address Port related issues pertaining to the Multiparty Boathouse.

- b. Boathouse Organization must provide an address where notice from the Port can be mailed and agree that posting of notice on the entrance point of the Multiparty Boathouse together with mailing to the specified address and to each Moorage Tenant in the Multiparty Boathouse constitutes notice to the Boathouse Organization and the Multiparty Boathouse owners.
- c. Moorage Agreements are required for the vessel mooring inside a Boathouse or Multiparty Boathouse and will remain between the individual boathouse tenants and the Port.
- d. Each Individual Boathouse Owner and Boathouse Organizations is required to execute a Boathouse Agreement. For Multiparty Boathouses each individual boathouse owner must also sign the Boathouse Agreement as a personal guaranty.
- e. Individual Boathouse Owners and Boathouse Organizations must obtain and maintain insurance naming the Port as "Additional Insured" under the policy pertaining to the Boathouse.
- f. All Boathouses must comply with all applicable building and fire codes and all applicable.
- g. Boathouses must be kept in a reasonable state of repair (as solely determined by the Port), consistent with all applicable federal, state, City of Bellingham and Harbors' Rules Regulations and Procedures.
- h. The Port will furnish electricity, potable water, and a phone connection to the outside of a Boathouse at which point the Individual Boathouse Owner or the Boathouse Organization will be responsible for obtaining proper permits to connect to it and maintaining all systems from the point of connection inward to the Boathouse. The temporary interruption of these services shall not be the basis of any claim against the Port.
- i. The Port may disconnect electrical service to any Boathouse where the Port, in its sole discretion, determines that continued connection is unsafe or where the electrical system in the Boathouse is not in compliance with applicable code. Any damage resulting from the disconnection will be at the sole risk and expense of the boathouse owner.

2. All Vessels must fit within its respective Boathouse. Vessels will be allowed to overhang out to the piling if permission is granted in writing by the Harbormaster.
3. Modifications to a Boathouse must be approved in advance by the Port and Boathouse Owner or Boathouse Organization must follow all applicable permitting requirements.
4. Liveaboards are prohibited from living on a vessel inside a Boathouse.
5. Boathouse Owners can sub-assign their Boathouses or space inside a Multiparty Boathouse as follows:
 - a. The sub-assignee must fill out a moorage agreement with the Port of Bellingham and provide current vessel registration and a certificate of vessel insurance which meets the Port's insurance requirement.
 - b. The Boathouse Owner will ensure the vessel carries insurance pursuant to the Rules, Regulations and Procedures.
 - c. All applicable moorage fees shall remain the responsibility of the Boathouse Owner.
 - d. The Boathouse Owner ensures the sub-assignment abides by all Harbor Rules, Regulations and Procedures.
6. During the sale of a Boathouse or an interest in a Multiparty Boathouse, Moorage charges will remain with the Moorage Tenant until such time the Port receives proof of ownership transfer to the Port with a signed Bill of Sale or other legal document of title transfer, proof of insurance, and a completed Moorage Agreement with current copy of vessel registration/documentation. For Multiparty Boathouses the Moorage Agreement will not be changed until the Port receives proof of the transfer of interest in the Boathouse Organization,
7. To prevent hazards created from falling snow/ice, removal of snow build-up from rooftops of boathouses will be the responsibility of the Boathouse Owner.
8. Boathouse Owners and Boathouse Organizations, upon request, will provide access to their boathouses for the purpose of emergency access as well as fire, safety, and environmental inspections. The Port may require that a key for each Boathouse be provided to the Port. However, the Port has no duty to inspect the Boathouses or to respond to any emergency.

9. The Port requires that all Boathouse Owners and Boathouse Organizations (in the case of Multiparty Boathouses) carry and maintain liability (or casualty) insurance on the boathouse structure. Insurance for Individual Boathouses shall be maintained at a minimum of \$1 million for liability for property damage and death and/or bodily injury. Insurance for Multiparty Boathouses shall be maintained at a minimum of \$5 million for liability for property damage and death and/or bodily injury. All Boathouse Owners and Boathouse Organizations are required to provide evidence of insurance by submitting a certificate of insurance naming the Port as certificate holder. It is the responsibility of the Boathouse Owner and Boathouse Organization to supply the Harbor Office with a current insurance certificate each year.
10. Should a Boathouse, through any method or means, cause destruction or damage to any other boathouse, vessel, and person or other properties in the marina, the Boathouse Owner shall bear sole responsibility and liability for resulting damages.
11. In the event of damage to or destruction of any Boathouse by fire or other casualty which renders the boathouse unusable or unsafe (as determined by the Port), the Boathouse Owner shall at the direction of the Port either (i) promptly remove the boathouse and all personal property or (ii) be responsible for all costs incurred by the Port to remove, the boathouse and all personal property. In the event of such an occurrence, the Port will endeavor to, but not obligated to, provide regular non-covered alternate moorage for the tenant's boat for a period of time reasonable determined by the Port.
12. Failure of a Boathouse Owner to abide by the terms and conditions of these Rules, Regulations, and Procedures, or failure to pay moorage fees, storage rental fees or any other fee charged by the Port by the due date shall constitute a default under the terms of this Assignment. A default under this Assignment shall constitute a default under any other lease or agreement Moorage Tenant has with the Port. Failure of the Boathouse Organization to comply with all the terms and conditions of the Boathouse Agreement will be considered a default in the moorage under any other lease or agreement that each Boathouse Owner has with the Port.
13. Moorage Agreements will be between the Port and the legal owner of the vessel.
14. All Boathouses will comply with all applicable building and fire codes and Harbors' Rules, Regulations, and Procedures. At Squalicum Harbor, it is the responsibility of the Boathouses to be in compliance with Bellingham Municipal Code 4501.