

REGULAR MEETING

JANUARY 20, 2005

TITUSVILLE – COCOA AIRPORT AUTHORITY

The regular meeting of the Titusville - Cocoa Airport Authority was held on January 20, 2005, at 1:30 p.m., at the Titusville - Cocoa Airport Authority office, 355 Golden Knights Boulevard, Titusville, Florida. The following members were present: R. Craig Rastello, Chairman; Philip Thompson, Vice Chairman; Jay G.M. Schenck; Larry Runyon; Scott C. Carr, C.M., Interim Executive Director; and Timothy F. Pickles, Esq., Airport Attorney. Patricia Patch, Secretary and Russell Alarie, Treasurer were absent.

ROLL CALL

Mr. Thompson requested roll call and determined a quorum was present. All members were present with the exception of R. Craig Rastello, Russell Alarie, and Patricia Patch.

APPROVAL OF MINUTES

Mr. Thompson called for the approval of the Titusville - Cocoa Airport Authority Board meeting minutes. Mr. Thompson called for a motion to approve the minutes. Motion to approve was made by Mr. Schenck, seconded by Mr. Runyon. All voted aye. Motion passed unanimously.

APPEARANCES – Mr. Frank Dudley

Mr. Dudley stated that he wanted to appear on the agenda, and asked what the procedure to appear on the agenda was. Mr. Thompson responded that the agenda was compiled with items that the Board will vote on during the meeting. He further stated that if the concern was not part of what was on the agenda, then it was part of the public comment.

Mr. Dudley stated that he had gotten no letter acknowledging his appearances, or on the status of repairs, or as to any type of restitution being made. Mr. Dudley also asked how long the affected tenants had to pay rent without having the use of their hangars.

Mr. Carr stated that Staff is continuing to work with the insurance carrier. Mr. Carr further stated that Staff had worked out an analysis of what the cost would be to refund various hangar tenants their rent revenue over a period of time, based through April 2005. Mr. Carr further stated that once there was a definitive plan in place from the insurance carrier, as to coverage and coverage for loss of use, and what the scheduling for construction for the repairs would be, Staff would present a new business item to the Board. He further stated that at that time Staff would also let all the tenants know what that schedule was. Mr. Carr further stated that

until that time, Staff was continuing to work diligently with the insurance carrier. Mr. Carr went on to say that as soon as he had something definitive, he would let all the tenants know by way of letter.

Mr. Dudley stated his concern was that he had not received a letter asking about the damages to his hangar.

Mr. Carr responded that directly after all three hurricanes he acquired a 100% funded grant from FDOT to allow MEA Group to come out and do a damage assessment of all the buildings, this data was compiled into a comprehensive report for each of the three airports, and this report was submitted to the insurance carrier along with additional damage that occurred during hurricane Jeanne. Mr. Carr further stated that Mr. Dudley was referring specifically to the contents of the hangar, however according to the terms of the lease, hangar contents were not insured, only the building itself was insured.

Mr. Dudley further stated that he wanted reimbursement for protecting the hangar.

Mr. Thompson stated that the issue could not be resolved today. His recommendation was that Mr. Carr arrange a meeting with Mr. Dudley, and Mr. Pickles if needed to try to work a solution to Mr. Dudley's satisfaction.

Mr. Thompson thanked Mr. Dudley for his comments.

Mr. Runyon recommended that Mr. Dudley put together a list of expenses incurred along with a request for reimbursement for consideration by the Airport Authority, Mr. Pickles and/or the insurance company.

Mr. Carr stated that he has requested a letter from Mr. Dudley, detailing such expenses.

Discussion ensued amongst the Board members.

Mr. Dudley stated the reason he wanted his rent reimbursed was because he had boarded his hangar and did not have the use of it.

Mr. Carr stated that Mr. Dudley indicated that he had taken it upon himself to put fiberglass panels on his hangar.

PRESENTATIONS – None

CONSENT AGENDA – Items A through D

Mr. Thompson asks if there was any discussion or comments on the Consent Agenda. Mr. Runyon made the motion to accept the Consent Agenda. Mr. Lally

seconded the motion. Mr. Thompson asked if there was any discussion. Mr. Thompson called to question. All voted aye. Motion passed.

OLD BUSINESS:

Item A – Approval to Commence the Installation of an Automated Weather Observation Station (AWOS) at Arthur Dunn Airpark.

Mr. Carr presented the background on this issue. Mr. Carr stated that at the December 16, 2004 Board meeting, Staff had requested to move forward with the project, but at the direction of the Board, Staff had tabled the issue and instructed the contractor, PBS&J not to move forward with the project at this point. Staff along with Mr. Thompson had a meeting with Mr. Nardi to work out an amicable solution for both parties. During that meeting, Mr. Nardi indicated that a company called RSI does work related to relocating AWOS towers, Mr. Nardi was unable to establish contact with RSI, however Staff contacted Mr. Tom Nichols of RSI, who concluded that with the FAA being unwilling to give a waiver, the AWOS tower was restricted to the existing site. This conclusion was also agreed upon by Airport Authority Staff, PBS&J, and also Airport Engineering

Mr. Carr further stated that at the December 16, 2004 Board meeting, Mr. Nardi indicated that if the site could be moved 150 feet to the south that this was the “win-win” situation that Staff should pursue. Staff in conjunction with PBS&J was able to find a location that would work, however this required the Airport Authority to endeavor to purchase some homes and property adjacent to the airport. A verbal commitment was received from the FAA agreeing to sign off on the new site. Staff returned to PBS&J asking if there would be additional cost to relocate the AWOS, since the FAA was requiring new engineering drawings be submitted, a new request for an airspace study and a new frequency request.

Mr. Carr stated that the response from PBS&J was that the cost would be \$13,225.00.

Mr. Carr stated that the fiscal impact to the Airport Authority to move the tower was \$13,225.00, to not move the tower the total contract amount would be \$146,960.00. Mr. Carr further stated that FDOT was not willing to extend this grant past the June 30, 2005 deadline date; therefore time was of the essence.

Mr. Carr presented a project timeline to the Board. Mr. Carr stated that Airport Authority Staff had met Mr. Nardi’s request that the AWOS site be moved 150 feet to the south.

Mr. Runyon motioned to approve Staff’s recommendation on this issue. The motion was seconded by Mr. Lally. Mr. Thompson opened the issue for discussion.

Mr. Nardi stated at the meeting with Mr. Carr and Mr. Thompson, he was not agreeable with the new proposed site of the AWOS tower. Mr. Nardi stated that he has spoken to the USPA last summer and was told that without the cooperation of the Airport Authority Board and Staff, there was nothing that they could do to help. Mr. Nardi also stated that by his understanding, the FAA could move the tower wherever it wanted. Mr. Nardi asked for one week to have USPA do what they could to help facilitate moving the tower to the line that he had indicated or move it where there was no fiscal impact to the Airport Authority. Mr. Nardi stated that he was asked by Mr. Carr and Mr. Thompson, based on the new siting, if he was willing to drop his lawsuit. He further stated that upon speaking with his attorney, he was advised to try to exhaust all alternatives before dropping his lawsuit. Mr. Nardi asked for an amendment to the motion to stay the project for one week pending USPA feedback.

Mr. Runyon stated that he was unsure if waiting a week would not create an adverse impact, however the Board met only once a month and this would require this item be addressed at February's Board meeting. He further stated that a month's delay might affect the grant funding for the project.

Mr. Lally stated that Staff had exhausted all efforts, doing an outstanding job, going above and beyond the call of duty. He further stated that under the circumstances and physical constraints that existed, he believed that the site that was chosen was the only site that Staff was able to move the AWOS tower to. Mr. Lally further stated that Mr. Nardi asked that the tower be moved 150 feet south, and that Mr. Carr went ahead to try to accommodate Mr. Nardi's wishes. Mr. Lally went on to state that due to some of the physical constraints being changed, possible purchase of some lands and perhaps one or two houses may be required.

Mr. Carr stated that there would be no fiscal impact to the Airport Authority per se, other than the homes and lands would be acquired using land acquisition funds that were currently available. Mr. Carr stated that the FAA was watching closely to ensure that there was the least amount of impacts as possible, and should the tower be moved to the southwest versus the southeast, there would be additional impacts, and he was unsure that the FAA would go along with the additional impacts.

Mr. Lally stated a month was given to Skydive Space Center to accomplish some things related to this issue and nothing was done.

Mr. Schenck stated that the Authority was trying to accommodate Mr. Nardi by moving the AWOS tower, and by asking the County to vacate the other property.

Mr. Nardi reiterated his question asking for a few days to explore every alternative available to him.

Mr. Schenck pointed out that Staff has tried to accommodate Mr. Nardi.

Mr. Carr stated that time was of the essence.

Mr. Carr stated that Staff has tried all alternatives to accommodate Mr. Nardi's wishes.

Mr. Thompson stated he and Mr. Carr met with Mr. Nardi after the December 16, 2004 Board meeting. He further stated that Mr. Nardi was encouraged to become proactive on this issue, and since nothing has been done in 30 days, there was nothing to be done in just a week. Mr. Thompson stated that he and Mr. Carr presented Mr. Nardi with a proposal to which Mr. Nardi stated that while it was not the best solution, he could live with it.

Mr. Thompson, Mr. Nardi and Mr. Lally discussed the issue.

Mr. Schenck asked if the AWOS was put on top of the rotating beacon, what the total height would be.

Mr. Carr referred the question to Mr. John Root of PBS&J Construction. Mr. Root answered that the wind instrumentation had to be between 30 and 33 feet high and that the Authority would have to ask for a waiver.

Mr. Schenck asked if it could be placed on the side of the beacon.
Mr. Carr responded that it would be blocked.

Mr. Root stated that the FAA would have to be asked for approval to place the AWOS on the side of the beacon.

Discussion ensued about the placement of the AWOS.
Mr. Thompson called the question. All voted aye. Motion passed unanimously.

NEW BUSINESS

Item A - Approval of a Lease with Parrish Management, Inc. for the Orange Groves at Space Coast Regional Airport

Mr. Carr stated that Staff had recently met with Parrish Management Company. The Board approved in November 2001 a three-year agreement for Parrish Management Company to manage the Orange groves as well as maintenance as well as the harvesting of fruit. As part of that agreement, there was a three-year option period that could extend the lease term to a total of six years. However, in order to exercise that option Parrish Management Company was required to provide the Airport Authority with a 120-day written notice prior to the end of the lease. The lease expired on September 30, of 2004. Mr. Carr further stated that, Staff tried to be proactive in getting a harvester and maintenance provider. He

met with Parrish Management Company who indicated an interest in continuing to lease the grove. Parrish Management wished to act on their three-year option. Mr. Carr stated that Staff had negotiated a new lease with terms along the lines of the previous lease, along with some new caveats. Mr. Carr presented the Board with the new caveats to the Parrish Management lease. Mr. Carr also stated Staff met with the University of Florida's Agricultural department asking them to review the maintenance items. These items were under review at the university. Mr. Carr stated that Parrish Management was willing to abide by any reasonable requests or comments from the University's Agricultural Department.

Mr. Carr stated that alternatively, the Airport Authority could direct Staff to seek RFP's for the harvesting and maintenance of the orange groves and proceed with collection of the outstanding one month balance owed by Parrish Management, Inc. However Staff was not recommending this option because of the potential revenue loss.

Mr. Carr presented the fiscal impact on this issue to the Board. Mr. Carr stated that the budget amount for this lease was \$12,000.00. If the Board disproves this item, the potential shortfall would be a minimum of \$6,000.

Mr. Carr respectfully requested that the Airport Authority Board resolve to (1) approve the proposed agreement with Parrish Management, Inc.; and (2) authorize an Airport Authority Officer or the Executive Director to execute the necessary documents, following satisfactory review by legal counsel.

Mr. Carr stated that he would be happy to answer any questions that the Board would have.

Discussion ensued amongst the Board members

Mr. Schenck made the motion to approve Staff's recommendation.

Mr. Lally seconded the motion. Mr. Thompson called to question the motion. All voted aye. Motion passed.

Item B - Approval of a Contract for Expansion & Rehabilitation of the East Apron at Space Coast Regional Airport.

Mr. Carr stated that the existing East Apron was in extremely poor condition. Mr. Carr stated that in addition the expansion portion of this project would help facilitate the future Corporate Aviation Terminal Building.

Mr. Carr stated that on August 27, 2004 staff took bids for this project. Under the specifications, the contractor was only required to hold the prices for a sixty day period. However, staff was proactive in negotiating with the contractors, allowing the Airport Authority to take action on the existing bid prices if the Airport Authority did so by January 31, 2005.

Mr. Carr presented a list of bid results to the Board.

Mr. Carr stated that staff only intends at this point to move forward with the first two phases with good intentions of adding a third phase as phases one and two are being completed. He further stated that one of the specifications staff included in this project was that if the Airport Authority issued a Notice to Proceed, the Authority had a 180-day period from the date issued to add any additional work and the contractor would maintain the original bid price submitted. Mr. Carr stated that phases one and two were fully funded. However there was some carryover monies available to partially fund phase three and there was some additional monies being received from FAA and FDOT either in the upcoming summer or fall to potentially fund phase three.

Mr. Carr presented a drawing to the Board depicting the different phases of the project.

Mr. Carr presented the alternatives to the Board including the overall fiscal impact in the amount of \$525,117.50

Mr. Carr presented the Staff recommendation to the Board.

Mr. Thompson asked if there were any discussion amongst the Board.

Mr. Runyon made the motion to approve the recommended action. Mr. Lally seconded the motion.

Mr. Patrick Corr of Helicopter Adventures, Inc. stated that he was concerned that the project would be disruptive to his business. Mr. Corr also stated his concern about the septic system, roadway, and ramp parking while the work was being done. Mr. Coor also wanted to know when phase four was envisioned to be complete.

Mr. Carr responded to Mr. Corr's concerns regarding the sewer system the roadway infrastructure. Mr. Carr also responded to Mr. Corr's concerns regarding Phase four.

Mr. Thompson called the question the motion. All vote aye. Motion passed.

Item C - Approval of a Contract for Hurricane Damage Repairs to Buildings and T-Hangars at Merritt Island Airport.

Mr. Carr presented the background on this issue stating that at the Board Meeting on December 16, 2004, the Airport Authority Board approved a contract for C & D Construction, Inc. of Cocoa, Florida to repair the hurricane damaged facilities at all three airports.

Mr. Carr stated that the insurance carrier has stated that Santa Cruz Construction, Inc. of Merritt Island, Florida was the lowest bidder at Merritt Island Airport. Mr. Carr further stated that for all three airports combined, C & D Construction of Cocoa, Florida, was the lowest bidder. However singly, Santa Cruz Construction is the apparent low bidder at Merritt Island Airport.

Mr. Carr presented Staff was recommendation, to re-award Space Coast Regional Airport and Arthur Dunn Airpark to C & D Construction, Inc. and to award Merritt Island Airport facility repairs to Santa Cruz Construction, Inc.

Mr. Carr stated that there is no fiscal impact to the Airport Authority.

Mr. Lally made the motion to accept the recommended action by Staff. Mr. Runyon seconded the motion. Mr. Thompson opened the motion for discussion.

Mr. Carr asked for an amendment to be added to the motion, requesting that C & D Construction be reauthorized for Arthur Dunn Airpark and Space Coast Regional Airport.

Mr. Lally accepted the amendment to the motion.

Mr. Thompson called the question. All vote aye. Motion passed.

Item D - Approval of a Contract for Hangar Door Replacement at Island Aviation at Merritt Island Airport.

Mr. Carr presented the background on this issue. Mr. Carr stated that as part of the ongoing improvement to Island aviation, the large hangar doors were identified as needing replacement. Bids were received on November 12, 2004, and the bids were much higher than the grant funding available. The low bid was from Space Coast General Contractors of Cocoa, Florida for \$249,000.00. Staff negotiated with Space Coast General Contractor to break the project into two phases. Space Coast General Contractors came in with a new price of \$127,665.00 for each phase. Mr. Carr stated that the alternative was that the Board could disapprove the bid and rebid the project; however there may be an increase in prices.

Mr. Carr respectfully recommended that the Board resolve to (1) award the bid to Space Coast General Contractors of Cocoa, Florida in the amount of 127,665.00 for the replacement of the west side hangar doors at Island Aviation at the Merritt Island Airport and, (2) authorize an Airport Authority Officer or the Executive Director to execute the necessary documents, following satisfactory review by legal counsel.

Mr. Thompson asked if there was any discussion.

Mr. Runyon motioned to accept Staff's recommendation. Mr. Schenck seconded the motion. Mr. Thompson called the question. All voted aye. Motion passed.

Mr. Thompson introduced Ms. Veronica Clifford. Ms. Clifford stated her concern on the safety issues with regard with the Sculptor Charter School being in such close proximity to the airport.

Discussion ensued on this issue.

Mr. Thompson thanked Ms. Clifford for her comments.

Mr. Rastello joined the meeting at 3:43 p.m.

There was further discussion on the issue of the Sculptor Charter School.

INTERIM EXECUTIVE DIRECTOR REPORT

Mr. Carr reviewed the marketing and project reports. Mr. Carr reviewed the North Apron Taxiway Project at Merritt Island. He further stated that the project was scheduled to begin on Monday January 24, 2005.

Mr. Lally asked for a quick synopsis on the sheriff's hangar project. Mr. Carr stated that Staff had been in discussion with FDOT regarding obtaining a grant extension for the project, however to date Staff had not received a response; however Staff was monitoring this very closely to ensure that the extension was received.

Mr. Lally asked if the Authority could proceed with the award of construction once the grant extension was confirmed. Mr. Carr responded in the affirmative.

Mr. Carr presented the plan holders list for the Corporate Aviation Terminal Facility Project.

Mr. Carr presented a request for approval for Mr. Schenck to be reappointed on the Board of the Space Coast Park Authority.

Mr. Rastello made the motion to approve the reappointment of Mr. Schenck to the Board of the Space Coast Park Authority. Mr. Lally seconded the motion. Mr. Thompson called the question. All vote aye. Motion passed.

Mr. Carr asked for a motion to surplus a non-functioning vehicle to give to the Titusville Rifle and Pistol Club. Mr. Rastello made the motion to donate the vehicle to the Titusville Rifle and Pistol Club subject to review of the surplus property disposal policies for governmental agencies by legal counsel. Mr. Lally

seconded the motion. Mr. Thompson called the question. All vote aye. Motion passed.

Mr. Carr presented a letter from Mr. Bill Baer of Voyager Aviation to the Board for review. Mr. Carr summarized his meeting with the Brevard County Commissioner regarding the issue stated in the letter for the Board.

There was some discussion amongst the Board regarding the contents of the letter and the meeting. Discussion also ensued regarding the handling of similar allegations such as was stated in the letter. The Board directed Staff to have letters of violation for the last two years available at the next Board meeting.

Mr. Carr presented a letter sent to Mr. Keith Cunningham of the City of Titusville regarding the Coastal Community Church rezoning. Mr. Carr summarized the meeting for the Board. Mr. Carr asked for directions from the Board as to whether or not to pursue this issue. Mr. Schenck asked how the Airport would be protected from this land use occurring. Mr. Pickles responded to the question outlining the options that the Airport Authority could utilize.

Discussion ensued amongst the Board members on this issue.

Mr. Carr presented a letter along with a drawing sent to Mr. George Ritchie of the Brevard County Planning and Zoning Department, citing a rezoning application that would create an incompatible land use adjacent to the Merritt Island Airport if approved. Mr. Carr stated that a change from an industrial land use to residential would violate Florida Statute Chapter 333. Mr. Carr deferred to Mr. Pickles to define the statute regarding Chapter 333 and the incompatible land use that would be created. Mr. Pickles outlined the Chapter 333 statute and advised the Board on the options available to handle the issue.

Further discussion ensued.

Mr. Thompson stated that Mr. Carr should continue to oppose the development and associated land use change. All Airport Authority Board Members agreed.

Mr. Carr stated that he had been elected to the Titusville Area Chamber of Commerce Board and also had been reappointed to the Brevard County Economic Development Commission Board as well. Mr. Carr was congratulated by all members of the Board.

Mr. Carr concluded his report.

ATTORNEY REPORT

Mr. Pickles deferred his report.

CHECK REGISTER & BUDGET TO ACTUAL

Mr. Carr presented the Check Register to the Board.

Mr. Carr presented the Budget to Actual Report to the Board.

AUTHORITY MEMBER REPORTS

Mr. Runyon complimented Mr. Carr on the great job he had done preparing for the Board Meeting. The sentiment was echoed by all members of the Board.

Mr. Lally stated he had an item for action regarding a parcel of land south of Courtenay Springs, Merritt Island. Mr. Lally asked about the Executive Director search.

Mr. Thompson distributed copies of the current list of Executive Director candidates. Mr. Thompson proceeded to give a report on the continued search for an Executive Director.

Mr. Thompson expressed his satisfaction with Mr. Carr's performance as Interim Executive Director. Mr. Thompson ended his report.

PUBLIC & TENANT REPORTS

Ms. Bobbi Lasher presented a flyer for the Young Eagles Day event on February 19, 2005 at the Merritt Island Airport. Mr. Carr pledged Airport Authority Staff's help to help promote the event.

ADJOURNMENT

Motion to adjourn the meeting made by Mr. Runyon. Motion seconded by Mr. Rastello. Mr. Thompson called the question. All voted aye. Motion passed.

Meeting adjourned at 4:44 p.m.