

TITUSVILLE – COCOA AIRPORT AUTHORITY

The Regular Meeting of the Titusville - Cocoa Airport Authority was held on February 17, 2005 at 1:05 p.m. at the Titusville - Cocoa Airport Authority Office, 355 Golden Knights Boulevard, Titusville, Florida. The following Board Members were present: R. Craig Rastello, Chairman; Phillip Thompson, Vice Chairman; Patricia Patch, Secretary; Brian Lally, P.E.; Jay G. M. Schenck; Timothy F. Pickles, Esq., Airport Attorney; and Scott C. Carr, C.M., Interim Executive Director. Russell Alarie, Treasurer; and Larry Runyon were absent.

ROLL CALL

Mr. Rastello requested the roll be called to determine if a quorum was present. All members were present with the exception of Russell Alarie, Treasurer; and Larry Runyon.

APPROVAL OF MINUTES

Mr. Rastello called for approval of the January 20, 2005 meeting minutes. Mr. Schenck made the motion to approve the minutes. Motion seconded by Mr. Thompson. Mr. Rastello called the question. All voted aye. Motion passed unanimously.

APPEARANCES

None

PRESENTATIONS

Davies, Houser & Seacrest, CPA, P.A. – Annual Titusville - Cocoa Airport Authority Audit (Fiscal Year 2003-2004)

Mr. Stephen Ellis of Davies, Houser & Seacrest was introduced by Mr. Rastello. Mr. Ellis presented the Annual Titusville - Cocoa Airport Authority Audit to the Board.

Mr. Ellis presented and reviewed the Audit and asked for any questions from the Board.

Mr. Thompson made the motion to approve the audit as presented. Ms. Patch seconded the motion. Mr. Rastello asked if there was any discussion, there was none. Mr. Rastello called the question. All voted aye. Motion passed.

The Board thanked Mr. Ellis for his report. Mr. Rastello also thanked Debbie Jimenez, Finance Manager, and Mr. Carr, for the excellent work done in keeping the financial records in such great shape.

Coastal Community Church – City of Titusville Rezoning Application

Mr. Rastello introduced Mr. Michael Minot, Esq. legal counsel for the Coastal Community Church to the Board.

Mr. Minot stated that he was aware of the stance that the Board had taken regarding the rezoning application of the Coastal Community Church and invited a dialogue between all parties concerned.

Mr. Minot asked what the nature of the concerns were, and what could be done to alleviate the concerns.

Mr. Lally responded to the question from Mr. Minot, stating that the concern was compatible versus incompatible land use with an airport. He further stated that churches, schools, residential and similar type land uses were considered by the FAA and FDOT as incompatible with an airport, and the proximity of the church would fall within that category. Mr. Lally also asked if any other locations were looked at, or why this site was “the” site for the church.

Mr. Minot said he was not aware of any other sites, since his representation was limited to this particular property. Mr. Minot also asked about noise studies and whether it included the property that he was representing.

Mr. Lally responded that the Master plan was currently being updated, and that noise studies would be included and advised Mr. Minot that information could be obtained from the FAA regarding land use in regards to proximity to airports.

Mr. Minot asked if absolving responsibility through the signing of waivers would be a solution.

Mr. Lally responded that this was an option only if no other choice presented itself.

Discussion ensued amongst the members of the Board.

Mr. Rastello stated that the Authority had a requirement under FAA regulations to protect the areas around the airport. He went on to state that this had to do with the grant assurances given to the FAA and FDOT, and failure to protect areas around the airport could potentially affect, past, present and future funding.

Mr. Minot agreed with Mr. Rastello’s statement stating, however, that he was not aware that the property in question was in violation of any of the concerns being discussed; therefore he wished to know the reason as to why the application was being opposed by the Authority.

Mr. Carr responded to the question, stating that after reviewing the application, that in order to remain consistent with the grant assurances FAA and FDOT, the land use would be incompatible with the airport because of location and proximity to the airport.

Mr. Minot suggested that the Authority could be better protected by negotiating a settlement to the issue with the church.

Mr. Minot summarized his presentation.

The Board thanked Mr. Minot for his time.

CONSENT AGENDA

Items A through G

Mr. Carr presented the Consent Agenda to the Board, recommending approval on all seven items.

Mr. Lally made the motion to approve the Consent Agenda. Mr. Schenck seconded the Motion. Mr. Thompson asked for discussion. There was none. Mr. Thompson called the question. All voted aye. Motion passed.

PUBLIC AND TENANTS REPORT

Mrs. Bobbi Lasher reminded everyone about the Young Eagles Day on February 19, 2005 at the Merritt Island Airport.

Mr. Thompson stated that the Board appreciated all that Mrs. Lasher had done for the airport. This sentiment was echoed by all.

Mr. Frank Dudley reiterated his concerns stated at the last board meeting, regarding the reimbursement of his rent paid over the past several months.

Mr. Carr responded to the question, providing an update to the current situation as it affected all tenants, Mr. Carr stated that letters had been sent out to the tenants, and also that the information was currently posted on the homepage of the Titusville - Cocoa Airport Authority's website. He further stated that Staff was endeavoring to do everything possible. Mr. Carr stated that it was his hope to report in the near future that this has been resolved and construction has begun, contingent on building materials being available, since certain construction materials were sparse at the present time.

Mr. Schenck asked if the insurance company had committed.

Mr. Carr responded that the insurance adjusters had been to all three airports, the reports had been compiled and submitted to the insurance company. He further stated that the claim was in process along with many others from across the entire County. Mr. Carr

stated that while there has been movement on the claim, it was not moving as fast as he would like it to.

Mr. Rastello stated to Mr. Dudley that the Authority would endeavor to resolve this issue as soon as humanly possible.

Mr. Dudley asked if the Authority could at least waive the rent payments.

Mr. Carr stated that once a determination was in place as to when everything would be repaired, he would then present a business item to the Board regarding rent abatements for the affected tenants.

Mr. Schenck asked whether or not Mr. Dudley could be placed in another hangar.

Mr. Carr responded that unfortunately, all three airports were full.

Mr. Rastello thanked Mr. Dudley for his patience, and stated that something would be done.

Mr. Hall stated that he comes to all the meetings and asked if he could be allowed to attend the Executive Session.

Mr. Rastello responded that the Executive Session was limited to the Attorney, the Executive Director, the Board and a court reporter.

Mr. Pickles clarified the response to the question, stating that it was a statutory exception to the Sunshine Law, which only permitted the Board members, Executive Director, the Airport Attorney, and a court reporter to attend. No other Airport Authority Staff could attend. Mr. Pickles further stated that the record would become public at the conclusion of the lawsuit that would be discussed in the session and the full transcript would be available to the public.

Mr. Pickles addressed the Board, stating that as part of the previous statutory exception, it was required that he, as the Airport Authority legal Counsel, request advice from the Board in an Executive Session concerning the current lawsuit with the City of Titusville and The Sculptor Charter School.

Motion to adjourn to the Executive Session was made by Ms. Patch. Motion seconded by Mr. Thompson. Mr. Rastello called the question. All voted aye. Motion passed unanimously.

Meeting adjourned at 2:07 p.m. for the Executive Session.

RECONVENE

Mr. Rastello reconvened the regular meeting at 2:53 p.m.

OLD BUSINESS

Consideration of Settlement Agreement in the Litigation with City of Titusville & Brevard Innovative Charter School, Inc.

Mr. Pickles presented to the Board a draft form stipulation, stating that if approved would terminate the current lawsuit between the City of Titusville, Brevard Innovative Charter School, Inc. and the Titusville - Cocoa Airport Authority.

Ms. Patch made the motion to accept the Settlement Agreement. Mr. Lally seconded the motion. Mr. Rastello opened the motion for discussion.

Mr. Thompson asked if the Board were to agree with the settlement agreement the way it was written, would the City of Titusville have to return to the Board should the city desire to change something on the agreement.

Mr. Pickles responded that the agreement would have to come before the board again, unless the board authorize Staff to exercise its discretion for very minor changes, however, his suggestion was that the Board approve the agreement as is, and if there was any change, then the board would take it back for ratification. He further stated that if there were any changes, even if it were a minor change, then it would be a consent agenda item for the next meeting.

Mr. Pickles and Mr. Schenck discussed different parts of the settlement agreement along with Mr. Carr, and the rest of the Board members.

Mr. Rastello called the question. All voted aye. Motion passed unanimously.

NEW BUSINESS – None

REPORT FROM THE INTERIM EXECUTIVE DIRECTOR

Mr. Carr began his report, introducing Mr. Michael Powell, Operations Supervisor to the Board.

Mr. Carr stated that the last open position for Operations Assistant was filled. Mr. Carr went on to outline the complete Operations Staff and how the staffing requirements for all three airports would be met and that there would be someone on duty at all times to handle any event that should occur at any of the three airports.

Mr. Carr stated that based on the direction given to Staff by the Board, he had met with FDOT Staff in Tallahassee regarding the Fly-In Condo Development in Merritt Island, and that a letter had been issued. Mr. Carr stated that there was no date available as to when the issue was to appear before Brevard County Planning and Zoning. Mr. Pickles stated that it was possible that it was scheduled to be on March 7, 2005.

Mr. Carr added that the applicant has stated that the FAA has approved the project; however the FAA and FDOT still had concerns about the land use capability. Mr. Carr stated that FAA does not endorse projects; the FAA only indicates that from a construction standpoint, there is no issue.

Mr. Lally recommended posting a policy statement regarding the Airport Authority's position on compatible land use.

Staff was directed by the Board to compose factual list of policies for the Board's review.

There was further discussion regarding the Fly-In Condo Development amongst the Board.

The Board further directed Staff to continue to oppose the project based on the direction from last board meeting.

Mr. Carr stated that on January 19, 2005 Staff had sent a letter to the City of Titusville, Planning and Zoning concerning the Coastal Community Church rezoning application. Mr. Carr stated that Staff was asking for the Board's direction on this issue.

There was discussion amongst the Board regarding this issue.

Ms. Patch made the motion to make a definite stand against the Coastal Community Church rezoning application to be consistent with Airport Authority policy. Mr. Thompson seconded the motion. Mr. Rastello opened the motion for discussion. Mr. Rastello stated that the policy should include any church, not just the Coastal Community Church. Mr. Rastello called the question. All voted aye. Motion passed unanimously.

Mr. Carr presented the project report to the Board, giving an update on the USDA Rural Development grant that has been applied for the Corporate Aviation Terminal Project.

Mr. Carr reminded the Board of the upcoming meeting on Friday February 25, 2005 for the viewing of the presentations of the shortlisted firms for the Corporate Aviation Terminal Building Project.

Mr. Carr concluded his report.

REPORT FROM THE ATTORNEY

Mr. Pickles deferred his report.

CHECK REGISTER AND BUDGET TO ACTUAL

Mr. Carr presented and reviewed the Check Register and Budget to Actual to the Board.

AUTHORITY MEMBERS REPORT

Executive Director Ranking Process

Mr. Carr stated that he had received ranking sheets from four of the Board members, and based on those rankings, presented the top six candidates ranked for the Executive Director position, Mr. Michael J. Handrahan, Mr. Michael J. O'Donnell, Mr. Michael A. Reisman, Mr. Jim Jarrell, Mr. Tim Whitman, and Mr. Bryant W. Garrett.

Ms. Patch suggested that the Board check the references of the selected candidates.

The Board discussed the selected candidates.

Mr. Schenck recommended that Mr. Carr submit his resume for the position of Executive Director, if he was interested in the position. Mr. Schenck further stated that Mr. Carr has proven that he can do the job. He further stated that he hoped that the Board would allow Mr. Carr to submit his resume for the position of Executive Director along with the other candidates.

The Board agreed to have all six candidates fill out applications for the Titusville - Cocoa Airport Authority in order to contact references, etc.

The Board concluded its report.

ADJOURNMENT

The motion to adjourn was made by Mr. Thompson. The motion was seconded by Mr. Schenck. Mr. Rastello called the question. All voted aye. Motion passed unanimously.

The meeting was adjourned at 5:36 p.m.