

REGULAR MEETING

TITUSVILLE-COCOA AIRPORT AUTHORITY

AUGUST 14, 2003

The regular meeting of the Titusville-Cocoa Airport Authority was held on August 14, 2003, at 1:30 p.m., at the Titusville-Cocoa Airport Authority office, 355 Golden Knights Boulevard, Titusville, Florida. The following members were present: Frank Kinney, Vice Chairman; R. Craig Rastello, Treasurer; Jay G. M. Schenck; Russell Alarie; Philip R. Thompson; David N. Edwards, Jr., A.A.E., Executive Director; and Timothy F. Pickles, Esq.; Airport Attorney. Joel H. Taft, Chairman, and Brian M. Lally, P.E., Secretary were absent.

Roll Call

Mr. Kinney requested roll call and determined a quorum was present. All Authority members were present with the exception of Joel Taft and Brian Lally.

Approval of Minutes

Mr. Kinney called for a motion to approve the minutes for the regular meeting on July 10, 2003.

Mr. Thompson motioned the approval, seconded by Mr. Rastello. All voted Aye. Motion passed unanimously.

Mr. Kinney called for a motion to approve the minutes for the special meeting on July 29, 2003.

Mr. Rastello motioned the approval, seconded by Mr. Alarie. All voted Aye. Motion passed unanimously.

Mr. Kinney addressed the public and advised that if they had a desire to speak on a specific item to fill out a card provided on the wall and turn them in to the Executive Secretary.

Appearances – None.

Presentations – None.

Consent Agenda

Ms. Lasher, tenant, addressed the grant approval for the North side of the Merritt Island Airport. She asked when the South side would be completed.

Mr. Edwards advised that the item on the Consent Agenda is for approval of the project. He stated that the project would not have a notice to proceed until toward the end of the year.

Mr. Carr advised that the pavement on the South side must cure for 30 days prior to the sealant application, in the meantime punch list items are being completed. Mr. Carr anticipated the project to be complete by the beginning of September.

Item A – Approval of Florida Department of Transportation (FDOT) Grant for Security Improvements at the Arthur Dunn Airpark. (Project Cost: \$128,425.00, Authority Match Requirement: \$0)

Item B – Approval of a Federal Aviation Administration (FAA) and Florida Department of Transportation (FDOT) Grant for Land Acquisition at the Arthur Dunn Airpark. (Acquisition Cost: \$500,000.00, Authority Match Requirement: \$25,000.00)

Item C – Approval of a Federal Aviation Administration (FAA) and amendment of a Florida Department of Transportation (FDOT) Grant for the Design and Rehabilitation of Taxiway B, North Apron, & North Side T-Hangar Taxilanes at the Merritt Island Airport. (Project Cost: \$500,000.00, Authority Match Requirement: \$25,000.00)

Item D – Approval of a Federal Aviation Administration (FAA) and Florida Department of Transportation (FDOT) Grant for the Reconstruction of the East Side Apron at the Space Coast Regional Airport. (Project Cost: \$777,778.00, Authority Match Requirement: \$38,888.90)

Mr. Kinney called for a motion to approve the consent agenda. Mr. Thompson motioned the approval, seconded by Mr. Rastello. Mr. Kinney called the question. All voted Aye. Motion passed unanimously.

Old Business – None.

New Business

Item A – Approval to Execute the First Option Renewal Period with Aero Industries of the Space Coast, Inc. for Building 43 at the Space Coast Regional Airport.

Mr. Edwards reviewed the background on this item and advised that Aero Industries has requested to exercise the first option renewal period, and has asked that the Authority consider locking its rental rate for the 4-year option period.

Mr. Edwards explained that the current annual rental rate of \$42,968.00 exceeds the appraised rental value of the property. He stated that the rental value is \$41,474.00 and should the annual rental rate be adjusted and locked in at \$43,584.00, then the Authority would receive an amount equal to applying a 3% annual CPI increase to the current appraised annual rental value.

Mr. Edwards recommended that the Board approve the first option renewal period as requested at an annual rental rate for the 4-year option period of \$43,584.00, and authorize and Authority Officer or Executive Director to execute the necessary documentation up satisfactory review by legal counsel.

Mr. Rastello motioned to approve the Executive Director's recommendation, seconded by Mr. Alarie.

Mr. Kinney called the question. All voted Aye. Motion passed unanimously

Item B – Approval of the Facilities Committee Recommendation for Award of Space Coast Regional Airport Corporate Aviation Terminal FBO Service RFP.

Mr. Edwards spoke on behalf of Mr. Lally who requested that the Board consider moving the item to the end of the New Business section, as he would be late attending the meeting and wanted to be present for this particular item.

The Board agreed to honor Mr. Lally's request.

Item C – Approval of T-Hangar Inspections and Schedule.

Ms. Lasher asked if Staff would have a checklist while conducting the inspections.

Mr. Edwards advised that the same list would be utilized for all inspections at all airports. He also advised that the checklist would be accessible to the public on the web site upon completion of the final draft.

Mr. Lasher asked if Staff was prepared to hear complaints from tenants regarding leaks, flooding, etc.

Mr. Edwards stated that Staff would be happy to listen to constructive guidance as to how issues may be rectified.

Mr. Knutson, tenant, asked when the inspections would occur.

Mr. Edwards advised that a schedule has been prepared and tenants will be offered to choose a time from that schedule.

Mr. Edwards reviewed the background on this item and stated that there are tenants that are not utilizing their t-hangars for the intended purpose as outlined in their lease. In addition, there are unsafe conditions in some hangars that pose both environmental and life safety liability for the Airport Authority.

Mr. Edwards identified the items to be checked during each inspection to include the following: that aircraft listed on the lease is being stored in the hangar by the tenant listed on the lease, that hazardous chemicals or other items

are being stored in a safe manner, and that no additional structures have been erected that would cause damage or fire safety concerns to the t-hangar facility.

Mr. Edwards identified three specific violations as cause for immediate termination of the lease agreement as follows: the aircraft identified on the lease agreement is not being housed in the hangar, the hangar is being subleased, or the hangar is being utilized for commercial activity, unless such activity had been previously approved in writing by the Authority.

Mr. Edwards stated that all tenants will be notified in writing and requested to sign up for specific inspection times as outlined in each airport schedule.

Mr. Edwards requested that the Board approve to have Staff conduct t-hangar inspections for conformance with the lease agreement, minimum standards, and rules & regulations, and take appropriate corrective measures as needed up to and including the termination of a lease agreement.

Mr. Schenck asked about a procedure should the tenant not appear at the inspection.

Mr. Edwards stated that if a tenant does not respond to an inspection request, Staff would then be required to cut the lock on the hangar and replace it with an Airport Authority lock following the inspection. The tenant would then have to contact the Authority office in order to gain access to the t-hangar.

Mr. Schenck suggested that Staff give them at least a 30-day notice. He also suggested that Staff be accompanied by a Non-Authority member should they have to continue with a non-responsive inspection.

Discussion continued.

Mr. Alarie motioned to approve the Executive Director's recommendation, seconded by Mr. Rastello.

Mr. Kinney called the question. All voted Aye. Motion passed unanimously.

Item D – Approval of a New Waste Collection Policy.

Mr. Edwards reviewed the background on this item and stated that Airport Authority Staff spends approximately 12 man-hours each week to collect trash and haul it to a local landfill.

Mr. Edwards proposed a new policy of creating a central collection point for each t-hangar area, which would include a 2 cubic yard dumpster that would be emptied twice per week by a commercial vendor.

Mr. Edwards stated that the switch would allow Airport Authority Maintenance Staff to focus on other priorities and make more efficient use of Staff time.

Mr. Edwards recommended that the Board approve the Airport Authority Staff to contract with a commercial vendor for waster collection at all three airports, and install 2 cubic yard dumpsters emptied twice a week in a central location in each t-hangar development area at a cost of \$3,263.28 annually.

Mr. Edwards stated that a surcharge may be applied to all tenants should they utilize these dumpsters for non-traditional items, which could incur additional costs to the Authority.

Mr. Rodger, tenant, confirmed that the oil disposal would still be maintained at the maintenance area.

Mr. Garrison, tenant, stated that this proposal makes much better sense than the current situation.

Discussion continued.

Mr. Alarie motioned to approve the Executive Director's recommendation, seconded by Mr. Rastello.

Mr. Kinney called the question. All voted Aye. Motion passed unanimously.

Item E – Award of a Contract for the Installation of New Security Fencing at the Merritt Island Airport.

Mr. Edwards reviewed the bid results for a 7-foot high fence with 3 strands of barbwire, which would substantially increase the airport perimeter fencing to current FAA standards around the entire airport.

Mr. Edwards stated that Aabot Fence, Inc. had submitted the lowest bid at \$89,320.00, which would be 100% funded by the Florida Department of Transportation.

Mr. Edwards recommended that the Board award the bid to Aabot Fence, Inc. of Winter Park, Florida in the contract amount of \$89,320.00 for a 7-foot high fence with 3 strands of barbwire, and authorize and Authority Officer or Executive Director to execute the necessary documentation up satisfactory review by legal counsel.

Mr. Thompson motioned to approve the Executive Director's recommendation, seconded by Mr. Alarie.

Mr. Kinney called the question. All voted Aye. Motion passed unanimously.

The Board elected to move forward with the Executive Director's report since Mr. Lally had not yet joined the meeting for the discussion of Item B.

Executive Director's Report

Project Hawk – Mr. Edwards advised that representatives hope to be contacting Staff within 2 weeks to move forward with the proposed project.

Travel Update – Mr. Edwards advised that his past conferences have received good successes for additional funding, which could result in obtaining another \$1 million of FAA funding for critical future projects.

STARS – Mr. Edwards stated that installation is complete of a STARS light radar system in the air traffic control tower.

Mr. Carr anticipated the system to be operational by February 2004 with completed training by July 2004.

Airport Ordinance – Mr. Edwards reviewed a proposed change to the ordinance, which was that the City of Titusville took a position to exempt the Enchanted Forest property from any airport ordinance requirements as related to permitting. Mr. Edwards attended the public hearing for this item and stated the objections, but asked the Council to adopt the ordinance since the remainder of the ordinance is consistent with other airport accomplishments. Mr. Edwards stated that a copy of the new ordinance would be forwarded to the FDOT for evaluation of compliance with the State Statute. The FDOT will address any issue to the City of Titusville that is not compliant with the State Statute.

Commissioner Pritchard – Mr. Edwards advised the Board of a memo submitted by Commissioner Pritchard, which asked about various airport items prior to the budget hearings. Mr. Edwards stated that he would provide answers to his questions and copy all the Board members on his response prior to releasing the information to the Commissioner.

Authority Guidelines – Mr. Edwards pointed out a notebook provided to all Board members that includes the updated By-Laws, Enabling Legislation, and the Policies & Procedures for their reference.

Apollo Motorcycle Club – Mr. Edwards advised that the Motorcycle Club has requested an extension for their relocation until the end of this year. Mr. Edwards recommended the extension and advised that they are in the process of securing property for a new location and will move off airport property at their earliest opportunity.

Discussion ensued.

Mr. Rastello motioned to extend the lease to December 31, 2003 on a month-to-month basis, seconded by Mr. Alarie.

Mr. Kinney called the question. All voted Aye. Motion passed unanimously.

Tower Dedication – Mr. Edwards stated that the Tower Dedication was scheduled to immediately follow the Board meeting this afternoon at 4:00 PM.

Incident – Mr. Edwards briefed the Board on an incident that took place on Saturday, August 9, 2003 at the Arthur Dunn Airpark involving a tenant, Mr. Jim Garrison.

Mr. Garrison addressed the Board and advised that he had not yet had the opportunity to review a copy of the incident reports submitted by Mr. Carr and Ms. Swint.

Mr. Garrison apologized for his actions and expressed his regret for the incident.

Mr. Garrison reviewed his background with the Airport and his service on the Airport Authority Board.

Mr. Garrison reviewed some other incidents that occurred in the past concerning non-response from Staff when trying to contact them for various items, which in his opinion was a result of a lack of communication.

Mr. Garrison presented photos to the Board of the location where his car was parked prior to it being towed. He stated that the car had been parked there on numerous occasions in the past, as he knew it was not blocking access for other tenants.

Mr. Garrison stated his view as to what happened the day of the incident. He stated that he saw the notice on the vehicle Saturday morning and tried to make arrangements to move the vehicle in a timely manner. Upon his return later that morning, the car had already been towed.

Mr. Garrison stated that he felt he had been mistreated and acquired a \$272.00 bill from the towing company for his vehicle that he had attempted to remove.

Mr. Lally joined the meeting at 2:45 PM.

Discussion ensued among the Board.

Mr. Simpson, tenant, agreed with Mr. Garrison on the issue concerning the lack of communication between the tenants and Staff.

Discussion continued.

Mr. Edwards stated that he cannot tolerate any physical aggressiveness against Authority Staff and recommended that the Board authorize the

termination of any leases with Mr. Garrison. He also recommended that Mr. Garrison be restricted from the use of any of the three airports for a period of time determined by the Board.

Discussion continued.

Mr. Kinney asked Mr. Garrison to review his side of the alleged assault against Mr. Carr.

Mr. Garrison did not deny his anger and inappropriate actions, however, he stated that he attempted to move the chair and thought Mr. Carr overreacted and jumped from the chair.

Mr. Garrison stated that the notice he received regarding this meeting did not address the fact that his lease was being jeopardized due to his actions, and did not give him ample time to prepare a defense. He reiterated that this is another example of the lack of communication with Staff.

Mr. Garrison stated his opinion that the Authority towed his vehicle illegally by not abiding by their Rules & Regulations, or giving proper notice. He stated that he would take this issue to court if need be.

Discussion continued.

Mr. Edwards reiterated that any physical contact against Staff should result in immediate termination.

Discussion continued.

Mr. Garrison stated that he was disturbed that the allegations were being characterized as an assault. He stated that he did not brutally attack or harm Mr. Carr in any way and apologized for his actions.

Mr. Lally motioned that Mr. Garrison's lease and rights to enter the airport be suspended for at least 6 months. Motion failed due to the lack of a second.

Mr. Schenck motioned to table consideration of the termination of Mr. Garrison's lease and any other punitive measures by the Authority to the next meeting, seconded by Mr. Rastello.

Mr. Kinney called the question. Mr. Kinney, Mr. Rastello, Mr. Schenck and Mr. Alarie voted Aye. Mr. Lally and Mr. Thompson voted Nay. Motion passed.

The meeting reverted back to the New Business Item B.

Item B – Approval of the Facilities Committee Recommendation for Award of Space Coast Regional Airport Corporate Aviation Terminal FBO Service RFP.

Mr. Dymerski, Atlas Aviation, Inc., reviewed supplemental information on his proposal for the Corporate Aviation Terminal FBO services.

Mr. Edwards reviewed the background on this item and advised that the Facilities Committee had ranked both companies based on experience, financial ability, proposed company investments, improvements, construction & delivery, and business plan.

Mr. Edwards stated that the proposals were ranked as follows: (1) Helicopter Adventures, Inc. and (2) Atlas Aviation, Inc.

Mr. Edwards recommended that the Board approve the Facilities Committee ranking and authorize Staff to negotiate an agreement with the 1st ranked company, and if that negotiation fails, then Staff would proceed with negotiating an agreement with the 2nd ranked company.

Mr. Thompson motioned to accept the Executive Director's recommendation, seconded by Mr. Alarie.

Mr. Schenck advised that he did not have the opportunity to review the information and would like to table the item to the next meeting.

Mr. Edwards stated that a delay in a decision would make it difficult to finalize an agreement within the 60-day time frame.

Discussion continued.

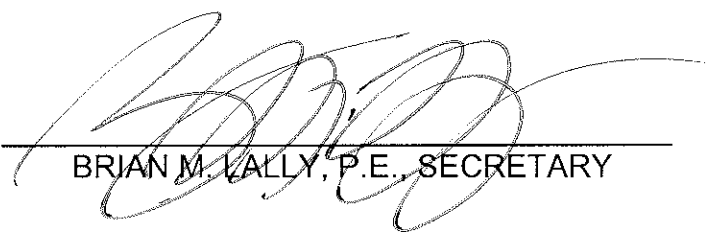
Mr. Kinney called the question. Mr. Kinney, Mr. Lally, Mr. Rastello, Mr. Alarie and Mr. Thompson voted Aye. Mr. Schenck voted Nay. Motion passed.

Mr. Kinney invited everyone to the Tower Dedication immediately following the Board meeting.

The regular meeting was adjourned at 4:00 PM.



JOEL H. TAFT, CHAIRMAN



BRIAN M. LALLY, P.E., SECRETARY