

TITUSVILLE – COCOA AIRPORT AUTHORITY

The regular meeting of the Titusville - Cocoa Airport Authority was held on October 12, 2006 at 8:00 a.m., at the Titusville - Cocoa Airport Authority Office at 355 Golden Knights Boulevard, Titusville, FL. The following members were present: Mr. Jay G. M. Schenck, Chairman; Mr. Larry Runyon, Vice Chairman; Ms. Patricia Patch, Treasurer; Mr. Ken Rivard; Ms. Veronica Clifford; Mr. Ken Griffin; Mr. Jerry Sansom; Mr. Scott C. Carr, C.M., Executive Director; Mr. Timothy Pickles, Esq., Airport Attorney.

Roll Call

Mr. Schenck requested the roll be called and determined a quorum was present.

Approval of Minutes

Mr. Schenck called for the approval of the Titusville – Cocoa Airport Authority September 21, 2006 Regular Meeting Minutes. Mr. Sansom made a motion to approve. Ms. Patch seconded. All voted aye. Motion passed.

Mr. Schenck called for the approval of the Titusville – Cocoa Airport Authority September 21, 2006 Second Public Budget Hearing Minutes. Mr. Sansom made a motion to approve. Mr. Runyon seconded. All voted aye. Motion passed.

New Business**Item A – Consideration of a Lease Extension for Singleton Golf & Practice Range at Arthur Dunn Airpark**

Mr. Carr gave a brief explanation and history of the item. Mr. Carr stated that Mr. Chuck Gudgel of Singleton Golf & Practice Range had requested an additional five year extension to his lease agreement to his already approved original five year extension. Mr. Carr explained that Staff had looked at options and recommended 2 - two year lease options, which would extend the lease agreement to 2016 if all option periods were mutually agreed upon and executed. Mr. Carr stated that Staff recommended that if the option was approved that the CPI was applied annually throughout the remainder of the years after the initial renewal expired in 2012 along with an appraisal at that time. Discussion ensued amongst the Board.

Ms. Clifford questioned why the option needed to put into the lease. Mr. Sansom explained that he felt it was comfort language for the leaseholder's ability to sell his business. Discussion continued amongst the Board.

Mr. Gudgel, from Singleton Golf & Practice Range, stated that he was in agreement with the recommendation of Authority Staff.

Mr. Runyon made a motion to approve the recommendation of Authority Staff. Mr. Rivard seconded the motion. Discussion ensued.

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

Item B – Approval of the 2006 – 2007 Fiscal Year Budget as modified by the Brevard County of Board of Commissioners

Mr. Carr gave a brief history of the item and stated that at the September 21, 2006 the Brevard County Board of Commissioners had voted to not include the ad valorem taxing authority for the Airport Authority, which had decreased the budget. Mr. Carr explained that Staff had come up with proposed budget cuts and had already submitted a revised budget to the County. Discussion ensued amongst the Board.

Mr. Sansom asked if Mr. Carr could go through and outline his recommended changes to the budget and explain the impact of those changes. Mr. Carr complied and listed the changes. Discussion ensued amongst the Board.

Mr. Runyon suggested that a workshop be scheduled so the Board could discuss the details of the budget line by line. Mr. Schenck asked Mr. Carr to please provide details on the individual items for the workshop. Discussion ensued amongst the Board.

The Board gave Staff direction to schedule a workshop for Friday, November 3, 2006 at 8:00 a.m. Ms. Clifford made a motion to table the approval of the budget and vote on it at the November 16, 2006 Regular Board Meeting. Ms. Patch seconded. All voted aye. Motion passed.

Ms. Debbie Jimenez agreed to provide a trial balance for upcoming meetings along with the Check Register & Budget to Actual.

Ms. Clifford requested an employee structure chart and Staff agreed to provide that.

Item C – Consideration of Code of Conduct Guidelines for the Board of Directors of the Titusville – Cocoa Airport Authority

Mr. Rivard commented that he believed Staff was trying to preempt a section of the Florida Statute regarding Code of Conduct and he made a motion to table the item. Mr. Griffin seconded the motion. Mr. Schenck called the question. Mr. Griffin, Mr. Rivard and Ms. Clifford voted aye. The remaining four Board Members voted nay. Motion failed. Discussion ensued.

Mr. Carr gave a brief overview of the item and provided draft copies of a proposed Code of Conduct for the Titusville – Cocoa Airport Authority Board. Mr. Carr discussed the Code of Ethics for Port Canaveral and the Code of Conduct for the City of Cocoa and explained that he used those documents as a guideline.

Mr. Pickles, legal counsel, addressed Mr. Rivard's comments in regards to the Florida Statute and explained that unless there was something to counter the State Statute there wouldn't be a violation. Mr. Pickles discussed the issue and cautioned the Board against adding restrictions unless they could abide by them. Mr. Pickles also stated that he didn't like the penalty section because the Board wasn't set up to enforce the penalties. Mr. Pickles recommended that the Board take time to really review the document. Discussion ensued amongst the Board.

Mr. Schenck discussed the County Commissioners approaching Legislature in regards to disbanding the Airport Authority and having the County take over. Mr. Schenck also discussed the possibility of the Authority going independent. Discussion continued amongst the Board.

Ms. Clifford made a motion to disapprove the Code of Conduct. Mr. Rivard seconded. Discussion ensued.

Mr. Sansom commented on Board members making individual recommendations and he stated that it needed to stop. Mr. Sansom also stated that he was not in favor of the motion as stated.

Mr. Schenck opened the floor to the public for comment. Mr. Ken Terry and Mr. Tony Yacono commented on the issue and cautioned the Board against making a decision to quickly. Mr. Ted Yon commented about the Authority spending too much money to match grants. Mr. Yon also stated that he felt the proposed Code of Ethics would eliminate any type of public opinion. Mr. Carr stated that Staff was directed by the Authority Board at the August 17, 2006 Regular Board Meeting to draft a Code of Conduct. Mr. Carr also addressed Mr. Yon's comments regarding grants. Discussion continued.

Ms. Annette Benson, Mr. Thomas Newman, Mr. John Watkins and Mr. John Lanahan commented on the proposed Code of Conduct. Discussion ensued between the Board and the public.

Mr. Sansom stated that he would like to make a substitute motion to table any action until the next meeting. Mr. Pickles advised Mr. Sansom to make a motion to table rather than a substitute motion. Mr. Sansom stated that he would like to continue discussion. Mr. Schenck allowed discussion to continue and stated that the Board may just want to accept Mr. Sansom's motion as a friendly amendment to the original motion. Discussion continued amongst the Board.

Mr. Pickles stated that he had just reviewed the draft and recommended that the Board not use the penalties and that the Board should start thinking about paring the document down. Mr. Pickles also reminded the Board that if the Code of Conduct was adopted, then whether or not there was a violation it would still have to be determined by a four Board member vote.

Mr. Runyon stated that he had no personal objection to a Code of Conduct and he didn't feel that anyone was being rushed to make a decision on the particular document that was currently being considered. Mr. Runyon made a motion to table the item until the next Regular Board Meeting. Ms. Patch seconded. Mr. Rivard, Ms. Clifford and Mr. Griffin voted nay. The remaining four Board members voted aye. Motion carried the table.

Mr. Schenck called a five minute recess.

Information Section

Mr. Schenck called the meeting back to order.

Executive Director Report

Mr. Carr reported that the compliance issue with Space Coast Jet Center (SCJC) at Space Coast Regional Airport had been resolved. Mr. Carr stated that he had received a letter from SCJC's attorney that SCJC agreed to what Airport Authority Staff was requesting. Mr. Carr also stated that he had spoken with Ms. Annette Benson and Staff gave SCJC 45 days to comply.

Mr. Runyon asked if the discrepancy in hours of operation with TIX Jet Center had been resolved. Mr. Carr answered that it had, because TIX Jet Center actually operated as a DBA under Helicopter Adventures and technically couldn't be an FBO on its own. Discussion continued.

Mr. Sansom stated that the Board should discuss the subleasing approval issue at a future meeting. Mr. Carr suggested that perhaps it could be discussed at a future workshop with legal counsel present.

Mr. Rivard stated that TIX Jet Center's hours were not posted correctly because he called them and asked, and the hours didn't coincide with what was posted on the internet at AirNav.com. Mr. Rivard stated that he thought Authority Staff was practicing selective enforcement in dealing with Space Coast Jet Center. Mr. Troy Winright from TIX Jet Center addressed Mr. Rivard, stating that when Mr. Rivard called to ask for the hours Mr. Winright told him the hours were from seven to seven. Mr. Winright also stated that AirNav.com was a separate entity and he had no control over what they posted there.

Mr. Schenck stated that because Mr. Pickles and one of the Board members had to leave early, in the interest of time officer elections would be held at this time. Mr. Runyon and Mr. Griffin were nominated for Chairman. Mr. Griffin declined. Mr. Schenck called the question. All voted aye. Mr. Runyon was elected as Chairman.

Mr. Sansom, Mr. Rivard and Mr. Griffin were nominated for Vice Chairman. Mr. Griffin declined. Four Board members voted aye for Mr. Sansom. Mr. Sansom was elected Vice Chairman.

Ms. Patch was nominated for Treasurer. All vote aye. Ms. Patch was elected Treasurer.

Ms. Patch and Ms. Clifford were nominated for Secretary. The Board concurred that the Treasurer could also serve as Secretary. Ms. Clifford declined. All voted aye for Ms. Patch. Ms. Patch was elected Treasurer. Mr. Schenck closed the nominations.

Mr. Schenck stated that he would like the Board to discuss the exploration of the Airport Authority becoming an independent special district.

Mr. Carr stated that due to time constraints he recommended that the Board discuss the Executive Director search at the November 3, 2006 Workshop. Mr. Rivard made a motion to move the Executive Director search discussion to November 3, 2006. Mr. Sansom seconded and added that Board Members should send Staff their top ten lists before that workshop. Mr. Schenck stated that no motion was necessary. The Board concurred.

Mr. Sansom recommended that Mr. Schenck's request to discuss the special district exploration be added to the agenda for the next meeting. Mr. Schenck stated that he just wanted the Board to give direction to explore that topic. The Board concurred that they supported that. Discussion ensued.

The Board discussed the Joint Workshop that was scheduled for October 19, 2006 between the County Commissioners and the Airport Authority. Mr. Rivard, Mr. Griffin, Mr. Schenck and Mr. Sansom agreed that they would attend the Workshop. Mr. Pickles stated that he didn't think he would be able to attend, but could send a substitute. The Board gave Mr. Carr direction to still request the alternative dates of October 30, 2006, November 1, 2006, and November 8, 2006 to the County Commission so that more Board members and legal counsel could attend. The Board agreed that if Mr. Pickles couldn't attend it wouldn't be necessary for him to send substitute counsel. Discussion continued amongst the Board.

Mr. Carr mentioned that the County Commission placed the Valiant Air Command (VAC) on the November Ballot to be approved for expansion funding. Mr. Carr stated that if it passed Staff would support the VAC. Discussion ensued amongst the Board.

Attorney Report – None

Check Register & Budget to Actual – None

Administration & Project Reports

Mr. Carr stated that the vacation of the right-of-way issue for the Corporate Terminal Project at Space Coast Regional Airport had been resolved. Mr. Carr

asked for a motion to approve temporary easements for Bell South and Florida Power and Light along Golden Knights Boulevard so they had a legal right to be in that right-of-way after Brevard County vacated it. Ms. Patch made a motion. Ms. Clifford seconded. Discussion ensued. Mr. Schenck called the question. All voted aye. Motion passed.

Authority Members Report

Mr. Sansom thanked Mr. Schenck for his service as Chairman. Ms. Clifford concurred.

Mr. Rivard asked that his agenda package not be placed in his mailbox. Mr. Rivard asked about the Enchanted Forest Issue. Mr. Carr replied that the issue had been discussed at the August 3, 2006 workshop. Discussion ensued amongst the Board. The Board gave Staff direction to put the issue on the January agenda. Mr. Schneck asked Mr. Carr to add the Enchanted Forest issue to the Project Report with a start date in January 2007. Mr. Carr stated that he would comply.

Public and Tenants Report

Mr. Tony Yacono commented that the Brevard County Sheriff's Department was willing to inspect the Merritt Island Airport and document the inspection. Mr. Sansom asked if Mr. Michael Powell could look into it and bring it back at the next meeting. Staff agreed to do that.

Mr. Yacono asked if a committee of six BAA members could be involved in the selection of the new Executive Director. The Board agreed to let the BAA see the resumes and give the Board feedback on the shortlist. Discussion continued.

Mr. Yacono announced that Young Eagles would be held November 4, 2006 and Toys for Tots would be held on December 9, 2006.

Mr. Jerry Watkins stated that appreciated the hangars being repaired and the rent abatements during that time. Mr. Watkins also mentioned that someone ran into his door, and he was having trouble with it. Mr. Powell stated that he would check into it.

Adjournment

Mr. Schenck called the question. Ms. Clifford made the motion to adjourn the meeting. Ms. Patch seconded. All voted aye. Mr. Schenck adjourned meeting.

LARRY RUNYON, CHAIRMAN

PATRICIA PATCH, SECRETARY-TREASURER