

**TITUSVILLE – COCOA AIRPORT AUTHORITY**

The regular meeting of the Titusville - Cocoa Airport Authority was held on December 16, 2004, 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; Patricia Patch, Secretary; Brian M. Lally, P.E.; Jay G.M. Schenck; Larry Runyon; Scott C. Carr, C.M., Interim Executive Director; and Timothy F. Pickles, Esq., Airport Attorney. Russell Alarie, Treasurer was absent.

**ROLL CALL**

Mr. Rastello requested roll call and determined a quorum was present. All Authority members were present with the exception of Russell Alarie and Brian Lally.

Mr. Lally joined the meeting at 1:35 p.m.

**APPROVAL OF MINUTES**

Mr. Rastello called for approval of the Titusville - Cocoa Airport Authority board meeting minutes. Ms. Patch said there were a few minor typographical errors, which can be fixed at a later date. Mr. Rastello went through each dated meeting asking for corrections or comments. Mr. Pickles pointed out that the November 24, 2004 Facilities Committee Meeting Minutes can only be approved by the Facilities Committee, not by the entire Board Members.

Mr. Rastello called for a motion to approve all the minutes with the exception of the Facilities Committee Meeting. Motion to approve was made by Mr. Thompson seconded by Ms. Patch. All voted Aye. Motion passed unanimously.

**APPEARANCES** – None

**PRESENTATIONS** – None

**CONSENT AGENDA** – None

**OLD BUSINESS:**

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

Mr. Carr stated that on July 15, 2004 the board voted to stop work on the project to look at other siting alternatives. On August 12, 2004, the board voted to

recommence with construction of the AWOS. On October 7, 2004 the board approved additional funding for the contractor due to the delays and the escalation costs related to materials.

Mr. Carr stated that Mr. Greg Nardi, owner of the Skydive Space Center, Ms. Cheryl Page from Brevard County Parks and Recreation, and Mr. John Root from PBS&J were in attendance.

Mr. Carr also stated that Brevard County Parks and Recreation had requested to utilize the soccer fields at Arthur Dunn Airpark through May 2005.

He further stated that the request for FDOT to extend the grant until June 30, 2005 had been approved. However, there were no additional grant extensions possible for this particular project.

Mr. Carr pointed out that litigation with Skydive Space Center is still pending, but the permits from the City of Titusville have been obtained to proceed with the installation of the AWOS.

Mr. Carr presented a map of Arthur Dunn Airpark with the Drop Zone Areas and proposed AWOS location depicted.

Mr. Carr stated that the Staff was asking for approval of Item A to begin construction no later than end of December 2004.

Mr. Rastello opened discussion to board members.

Mr. Runyon asked Mr. Pickles about the litigation pending with Skydive Space Center.

Mr. Pickles advised the Board on the litigation and where the Authority stood at this point in time.

Mr. Nardi addressed the Board and asked to read into the minutes a handout.

Mr. Nardi stated his position and concerns to the board members on the AWOS and asked the board to disapprove the installation.

Mr. Nardi also stated that if the AWOS could be moved 150 feet south of the proposed location that it would satisfy his concerns.

Discussion ensued amongst board members on the AWOS.

Mr. Lally recommended that Skydive Space Center, Inc. lease the land needed for their drop zone if the land is not going to be used for the AWOS Project. Mr. Nardi agreed that such a lease would be appropriate.

Mr. Pickles was asked about the legalities of moving forward with the AWOS project. Mr. Pickles stated it's a policy decision up to the staff and the board. Although, he stated that contractual issues may arise including a breach of contract with PBS&J and reimbursement may be required to FDOT for any grant funds already expended to date.

Discussion ensued between Mr. Nardi and the board members.

Mr. Rastello called for further discussion or to make a motion.

Mr. Carr presented TCAA staff's recommendations.

Mr. Schenck then made a motion to table action and have the chair call a special meeting on the issue once Mr. Carr had time to investigate further whether a new site for the AWOS could be found.

Ms. Patch seconded the motion for purposes of discussion and asked that the motion be rephrased.

Further discussion ensued.

Mr. Schenck and Ms. Patch accepted a friendly amendment to the motion to have Mr. Thompson, Mr. Carr, and Mr. Nardi have a separate meeting to further discuss the issue.

Mr. Carr suggested that as part of the motion, that should the meeting between Mr. Thompson, Mr. Nardi, and Mr. Carr produce an amenable solution, that the Board authorize staff to move forward.

Further discussion ensued among the board members.

Mr. Rastello called to question on the previous motion. All voted aye. Motion carried unanimously.

Mr. Carr introduced Ms. Cheryl Page with Brevard County Parks and Recreation.

Ms. Page stated that her understanding is that the former Executive Director – Fred Watts had stated to one of the coaches that the Soccer Club that he would allow them to stay until the end of May 2005.

Ms. Patch made a motion that the Soccer Club be allowed to use the soccer fields until the end of May 2005. Mr. Runyon seconded the motion. Mr. Rastello called to question on the motion. All voted aye. Motion carried unanimously.

Mr. Schenck asked the Chairman if New Business - Item C could be moved up as the next agenda item.

**NEW BUSINESS:**

**Item C - Consideration of a Modification to the Brevard County Sheriff's Office Lease Agreement for Construction of a New Corporate Hangar and Office Facility at the Merritt Island Airport.**

Mr. Carr stated that on April 15, 2001, the Airport Authority board approved an FDOT grant for the construction of a new hangar at Merritt Island Airport. The grant was a 50/50 grant with a total project cost of \$450,000 dollars. The Board subsequently approved a new 25-year lease with BCSO to utilize this grant for construction of a new facility in July 2003. BCSO staff in conjunction with Airport Engineering Company designed the new hangar and office facility. Bids for the project based on that design were received on April 27, 2004.

Mr. Carr presented a list of bid results for the project, stating that C&D Construction, Inc. of Cocoa, FL had the lowest bid for \$688,500.

Mr. Carr further stated that he had received a letter dated October 5, 2004 from BCSO requesting that the Airport Authority Staff seek additional grant funding in the total grant amount of \$387,353 dollars. Airport Authority staff had requested that amount in writing on November 5, 2004 from FDOT and the request was denied.

Mr. Carr presented three alternatives to resolve the shortfall in grant funding.

Mr. Carr stated that the first alternative that the Airport Authority Staff had identified was that the Airport Authority could consider BCSO's prepaid rent request based on obtaining an additional grant.

Mr. Carr went on to state that second alternative was that BCSO could remain in their existing hangar and office facility.

Mr. Carr further stated that the third alternative that staff had identified and was recommending to the board was that BCSO could construct the hangar facility with the existing grant funding. Then through a lease addendum, TCAA would require that the existing office be demoed and the new office and other improvements such as parking, utilities, etc. be constructed per the existing plans within 3 years from the Notice to Proceed date on the hangar construction at the sole cost of BCSO.

Mr. Carr presented a drawing outlining the third alternative.

Mr. Carr presented a fourth alternative, which entailed BCSO relocating to an off-airport site; Mr. Carr further stated that staff did not recommend this alternative.

Mr. Rastello asked Mr. Charlie Nash, legal counsel for the BCSO to introduce himself and to make his presentation.

Mr. Charlie Nash, introduces himself as well as Major Doug Scraggs, and Lieutenant John Coppola.

Mr. Nash began his presentation.

Mr. Nash proposed only constructing the hangar portion of the project now and leaving the existing office in place until the new office could be constructed.

Mr. Nash requested that the Board direct the insurance funds and any FEMA funds for the existing BCSO facility to be added to the existing FDOT grant of \$450,000 dollars in order to facilitate any repairs to the existing facility.

Mr. Nash proposed that BCSO stay in the repaired existing building for five years, and at the end of the five-year term BCSO, working in conjunction with the Airport Authority Staff, could obtain additional grant funding to construct a new office facility.

Mr. Nash stated that BCSO should not bear the cost for the demolition of the existing office building. Mr. Nash further stated that BCSO feels that either the new tenant or the Airport Authority should bear the cost of the demolition of the old office building once they complete the new office behind the new hangar.

Mr. Nash stated that some form of action was needed now, before the grant expires and the grant funds are lost.

Mr. Carr reiterated the terms of the current lease agreement.

Mr. Nash stated that when the current lease was put into effect, things were much different.

Mr. Carr stated that staff was trying to ultimately find an effective solution for both parties involved.

Further discussion ensued amongst the Board.

Mr. Nash presented the proposed terms for the lease modification, stating that, (1) BCSO be allowed to use the insurance and FEMA funds from the existing

building to repair of the office building, (2) BCSO pay half of the costs for striping and paving of the parking area, (3) BCSO not be responsible for demolition of the existing building once the new office is constructed, and (4) BCSO be allowed to have a five-year term to construct the new office to have enough time to accumulate additional project funding.

Further Board discussion ensued.

Mr. Rastello went over the points proposed by BCSO.

Mr. Nash reiterated BCSO's request for the proposed lease amendment, also adding that BCSO would be willing to share cost for the parking area striping and paving provided that they have use of part of the parking area. Mr. Nash also stated that BCSO would be willing share cost for the new sewer line that would have to be put in place, assuming that BCSO would have the use of the sewer line as well.

Further Board discussion ensued.

Mr. Carr stated that the new parking lot would be for BCSO's use only, therefore, should the Airport Authority share in the cost, the Authority would be further subsidizing the lease. He also stated that the demolition costs associated with the existing facility were clearly BCSO's responsibility per the lease agreement. Mr. Carr further stated that anything that the Board should agree to at this point would not be covered by the grant. Mr. Carr reminded the board that there was a new apron put in that BCSO did not participate in for their benefit at the sole cost of the Airport Authority.

Mr. Coppola stated that he was told by Mr. Pendleton that the parking lot was shared.

Mr. Pendleton clarified by stating that the thru lane was shared, and not the actual parking itself, that the actual parking was solely for the use for BCSO.

Further Board discussion ensued.

Mr. Runyon stated that the Board needed to come to a decision soon to avoid losing the available grant funding and also to incur the least fiscal impact to the Board.

Mr. Carr stated that there was a \$39,000 contingency fund that had not been used yet, that could be set aside solely for this project. However, Mr. Carr also stated that he was not recommending that the funds be used for this project.

Mr. Thompson asked Mr. Pickles' opinion regarding adjusting the lease terms.

Mr. Pickles stated that it was purely a business decision. He further stated that in his opinion, the Authority was not legally responsible for any of the additional construction costs.

Further Board discussion ensued.

Mr. Thompson made a motion that the boards accept the BCSO proposed changes as stipulated along with the understanding that any project cost overruns be shared 50/50 between BCSO and the Airport Authority.

Ms. Patch asked if the Board would like insert a three-year stipulation into the motion for construction of the new office facility.

Discussion ensued among the Board members.

Ms. Patch seconded the motion.

Mr. Carr stated that he was concerned about the fiscal impact to the Authority's current budget as the budget was already extremely tight.

Further discussion ensued amongst the Board members.

Mr. Rastello called to question on the motion. All voted Aye. Motion passed.

Mr. Nash thanked all present, including Mr. Carr and Mr. Pickles.

Mr. Rastello thanked Mr. Nash for coming to the meeting.

#### **Executive Director Search – Discussion**

Mr. Thompson opened the discussion on the Executive Director search.

Mr. Thompson presented the board members with a list of candidates that he found in his search.

Discussion ensued amongst the board members on the resumes received.

Mr. Thompson left the meeting at 4:44 p.m.

#### **NEW BUSINESS**

**Item A - Approval of a Federal Aviation Administration Grant for Hurricane Damage Repairs to Buildings and T-Hangars at Arthur Dunn Airpark, Merritt Island Airport, and Space Coast Regional Airport.**

Mr. Carr stated that the Federal Aviation Administration was offering a grant for each airport in the amount of \$7,500, for a combined total of \$22,500 to cover the insurance deductible for hurricane damage from all three storms. Mr. Carr further stated that the funding level of this grant is 100%.

Mr. Carr stated that the insurance deductible was \$2,500 per hurricane, thus the total deductible per airport would be \$7,500 as there were three hurricanes. This brings the total to a combined amount of \$22,500, which was equal to the amount of the grant being offered.

Mr. Carr stated that there was no fiscal impact to the Airport Authority. As the Airport Authority would be saving \$22,500 that would have had to be paid out for the deductible.

Mr. Carr respectfully requested that the Airport Authority Board resolve to approve the acceptance of the 100% funded hurricane damage repair grants in the amount of \$7,500 per airport being offered by the Federal Aviation Administration and authorize an Authority Officer or the Executive Director to execute the necessary documentation upon satisfactory review by legal counsel.

Mr. Lally made the motion to accept the staff recommendation.

Ms. Patch seconded the motion.

Mr. Rastello asked if there was any discussion amongst the board.

Mr. Rastello call to question the motion. All voted Aye. Motion passed.

**Item B - Approval of a Contract for Hurricane Damage Repairs to Buildings and T-Hangars at Arthur Dunn Airpark, Merritt Island Airport, and Space Coast Regional Airport.**

Mr. Carr stated that during Hurricane Charley in August 2004, Hurricane Frances in September 2004, and finally Hurricane Jeanne in October 2004 several buildings and t-hangars were damaged at all three airports. The extent of the damages ranged from severe roof damage and t-hangar doors being completely detached from the buildings to other facilities with only minor door track and wall paneling damage.

Mr. Carr continued by stating that Airport Authority Staff had developed a set of plans to repair all hurricane damaged buildings and t-hangars. Staff solicited bids from area contractors and all bids were received on November 12, 2004, at 3:00 p.m.

Mr. Carr stated that the apparent low bidder was C&D Construction, Inc. of Cocoa, Florida with a bid amount of \$502,523.00 for repairs at all three airports.

Mr. Carr requested that the Airport Authority Board resolve to award the bid to C&D Construction, Inc. in the contract amount of \$502,523.00 including any additional funding covered by insurance for engineering or repair items not identified during the damage evaluation process to facilitate the complete restoration of any hurricane damaged buildings at the all three airports, contingent upon authorization by the insurance carrier.

Mr. Lally made s motion to approve the Staff recommendation.

The motion was seconded by Ms. Patch.

Mr. Rastello asked if there any discussion on this issue from the board.

Mr. Rastello called to question the motion. All voted aye. Motion passed.

**Item D - Approval of Airport Authority Board Meeting Dates for Calendar Year 2005.**

Mr. Carr stated that staff had reviewed the regularly scheduled Airport Authority Board Meeting dates for Calendar Year 2005, and had identified certain conflicts throughout the year with various events and holidays.

Mr. Carr further stated that Airport Authority Staff had surveyed several other Airport Authorities in the State of Florida regarding their meeting times and presented a spreadsheet to the board outlining those times.

Mr. Schenk asked if the board wanted to change the meeting times.

Mr. Carr stated that the meeting times were introduced as part of the request to approve the meeting dates.

Discussion ensued amongst the board members.

Mr. Runyon motioned to accept the meeting dates as presented by staff and to leave the meeting time at 4:30 p.m.

Mr. Lally seconded the motion.

Mr. Rastello asked if there was any other discussion from the board.

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

**Report from the Interim Executive Director**

Mr. Carr reviewed the project and marketing reports.

Mr. Carr presented a construction phasing plan drawing for the upcoming North Apron, Taxiway B, and T-Hangar Taxiway Rehabilitation Project at the Merritt Island Airport.

Mr. Carr stated that in the meeting with the City Council on December 14, 2004, the Council voted four to one to disapprove a change to the Comprehensive Plan to allow schools in areas zoned public use.

Mr. Carr asked the Board to make a motion to approve a Joint Conflict Resolution Meeting as required by Florida State Statute with the City of Titusville for January 6, 2005 at 5:30 p.m. to discuss the litigation with Brevard Innovative Charter School and the City of Titusville.

Ms. Patch made the motion to approve the meeting date and time.

Mr. Runyon seconded the motion.

Mr. Rastello called to question. All voted aye. Motion passed.

Mr. Schenck asked whether the Airport Authority Staff was able to relinquish the copier lease signed by Mr. Fred Watts.

Mr. Carr stated he had looked into the issue with legal counsel and had also made a diligent effort to cancel the lease agreement; however, the terms of the lease were clear and Mr. Watts was authorized to sign the agreement at the time of execution.

Mr. Schenck asked Mr. Pickles what action the Board should take on the copier issue.

Mr. Pickles stated that the Board could engage his services to do his best to cancel the contract, or the Board could decide to adhere to the contract.

Mr. Schenck made a motion to have Mr. Pickles attempt to cancel the copier lease.

Ms. Patch seconded the motion.

Mr. Rastello to question the motion. All voted aye. Motion passed.

### **Airport Attorney Report**

Mr. Pickles' discussed the current litigation with the City of Titusville and Brevard Innovative Charter Schools.

### **Authority Members Report**

None.

### **Check Register and Budget to Actual**

Mr. Carr presented the Check Register to the Board.

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

Mr. Pickles left the meeting at 5:14 pm.

### **Public and Tenants Report**

Mr. Rastello introduced Mr. Frank Dudley. Mr. Dudley stated that he secured his t-hangar and the t-hangar next to his during Hurricane Jeanne. He asked the Board for reimbursement for expenses incurred in securing the hangars.

Mr. Rastello asked that Mr. Dudley be patient a little longer, that the Airport Authority Staff was currently working on getting something fair and equitable done as soon as possible for loss of use for all t-hangar tenants.

Mr. Rastello thanked Mr. Dudley for his comments.

Ms. Patch made a motion to adjourn the meeting.

Mr. Schenck seconded the motion. Mr. Rastello called to question. All voted aye.

The meeting was adjourned at 5:27 p.m.