

TITUSVILLE – COCOA AIRPORT AUTHORITY

A special meeting of the Titusville - Cocoa Airport Authority was held on May 1, 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: Jay G. M. Schenck, Chairman; Larry Runyon, Vice Chairman; Patricia Patch, Treasurer; Philip Napolitano; Ken Rivard; Veronica Clifford; Scott C. Carr, C.M., Executive Director; Mr. Timothy Pickles, Esq., Airport Attorney; Dr. Matthew Boucher, Secretary was absent.

Roll Call

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

Old Business**Item A – River Fly-In Condos – Brevard County Rezoning Application.**

Mr. Scott Carr gave a brief history of the issue stating that presentations were made before the Authority Board on March 31, 2005, July 14, 2005, November 17, 2005 and March 30, 2006 made by either Dr. Wasim Niazi or his legal counsel, Mr. John Evans who represented the River Fly-In Condominium Project. He added that Authority Staff and legal counsel attended the Brevard County Commission meeting on April 6, 2006, and at that meeting the rezoning application was approved by a vote of 3 to 2 by the Brevard County Commissioners. Mr. Carr stated that the property adjacent to the Merritt Island Airport was rezoned from industrial use to residential use, facilitating the residential project moving forward. He added that the approval also included conditions which were in the form of a binding development plan. Mr. Carr stated that the Authority, as discussed at the April 20, 2006 Regular Board meeting, had 30 days from the date of approval to appeal the rezoning request if it so chooses; however, any such appeal would have to be filed no later than 30 days, which would be May 5, 2006. Mr. Carr turned the floor over to Mr. Tim Pickles, legal counsel for the Airport Authority, to outline the various options and legal implications.

Mr. Pickles stated that he wanted to go over exactly what transpired on April 6, 2006. He explained that Dr. Niazi had applied to Brevard County to have his property rezoned from industrial to residential, which is separate from the land use designation which had existed on the property for about 20 years as industrial. Mr. Pickles stated that the County, when faced with an application for rezoning, could have either approved the rezoning, denied it, or approved it with conditions. Mr. Pickles stated that the County decided to approve rezoning with conditions. He added that these conditions were contained in the binding development plan. Mr. Pickles remarked that the County by law cannot specifically require those conditions unless the applicant was willing to abide by them. He stated that in this case Dr. Niazi agreed to voluntarily place the restrictions for the property on the

binding development plan as part of his request.

Mr. Pickles stated that from a legal standpoint the Authority had the option to appeal the decision to the Circuit Court of Brevard County. He stated that it could be a petition for a Writ of Certiorari, which is a petition to a 3 judge panel in Brevard County that would basically say the rezoning should have been denied because it wasn't consistent with the County's comprehensive plan and in this case the Authority would have to show that the applicant did not provide evidence that the application was consistent with the County's comprehensive plan. Mr. Pickles stated that the applicant was seeking to change the zoning on the property to a zoning which is actually very consistent with the County's comprehensive plan to change the zoning to be consistent with the land use designation. Mr. Pickles stated that this option would be a substantial hurdle for the Authority. He also mentioned that Dr. Niazi had originally assumed the land use designation was industrial, and the County told him it was actually residential so he would be better off if he attempted to have the zoning changed to residential.

Mr. Pickles stated that the other option the Board had was an option under Florida Statute Chapter 163 which was simply a challenge to the development order as being inconsistent with its overall comprehensive plan and applicable law. He added that this was similar to what the Authority had done with the City of Titusville when they were challenging the Sculptor Charter School. Mr. Pickles stated that it would be a declaratory action with 1 judge and the Authority would have to convince the judge to take into consideration not only the County's comprehensive plan, but any applicable statute that the issued development order was a violation of Florida Statute Chapter 163. He stated that this option would have a better chance of success. Mr. Pickles stated that the argument would be that the violation of Chapter 333 was also a violation of Chapter 163 because the County had not adopted all applicable statutes in its comprehensive plan.

Mr. Pickles referred to Chapter 333 – Subsection 2 and remarked that it was set up to state to the local municipalities and counties that they needed to adopt airport zoning regulations concerning height and noise. Mr. Pickles quoted part of Subsection 2, stating that "...when political subdivisions have adopted land development regulations in accordance with provisions of Chapter 163, interim airport land use compatibility zoning regulations shall consider the following:..." Mr. Pickles then referred to Subsection D, which discussed when an airport had not conducted a part 150 study which was the case at Merritt Island Airport "...residential construction and educational facilities shall not be permitted within an area that is not contiguous to the airport measuring one half the length of the longest runway..." Mr. Pickles stated that had the County adopted such regulations and because Merritt Island Airport had not conducted a part 150 study, were this provision in place then the application by its very nature would have been prohibited. Mr. Pickles stated that the problem the County had in analyzing the application was that when they adopted the airport zoning ordinance it didn't include a provision which talked about noise. He stated that the County had violated Chapter 163 by not including required provisions of Chapter 333 when it

passed its ordinance; therefore, the Authority could argue that they could not and should not have approved the application for rezoning. Mr. Pickles stated that the counter to that argument, which had been raised by Dr. Niazi and could be raised by the County, would be that in the last clause of Subsection 2 it states that "...interim airport land use compatibility zoning regulations shall consider the following:...". Mr. Pickles noted that the passage says "consider" and not "contain". He added that this would be a first impression case, since there were no other cases in history regarding this issue, and that it would be decided on the basis of general law. Mr. Pickles stated that the most likely odds would be that the court would side with the County. He added that the Authority should consider the risk and the political issues that could result if they decided to move forward, and his advice would be to not appeal the decision and move forward with getting the airport zoning ordinance for the County fixed so this couldn't happen again.

Mr. Pickles stated that he believed Dr. Niazi may find it difficult to get the project moving financially because of all the restrictions he had placed in the binding development plan.

Ms. Patricia Patch stated that she recalled the Authority had received some interpretation from the actual law offices of Brevard County that they were hesitant to recommend the zoning. Mr. Pickles stated that one of the assistant County attorneys initially took the position that Chapter 333 would prohibit this application. Mr. Pickles stated that what the County Attorney was looking at was the Conflict Provision under 333.04 Sub 2. He quoted "...in the event of a conflict between any airport zoning regulations adopted under this chapter and any other regulations applicable to the same area the more stringent shall apply..." Mr. Pickles stated that if the restriction on residential was a regulation then it would be more stringent and would apply. He remarked that he didn't believe that was a correct legal interpretation because it was a state statute, and when the County Attorney read that he believed she read a little bit too much into it. Mr. Pickles stated that the other Assistant County Attorney picked up on it and stated that it wasn't a conflict provision that controls; however, the issue that was raised under Chapter 333 was an issue of compatibility that one should look into. Mr. Pickles stated that the County did consider it in the application, and the applicant voluntarily agreed to noise attenuation in the project; therefore, any issue with compatibility related to noise they believed they already handled.

Mr. Schenck asked Mr. Pickles how the Authority would be affected with the City of Titusville if no further action was taken. He also stated that in regards to safety he had heard this project could prohibit the very light jets from Merritt Island Airport. Mr. Pickles stated that from a practical standpoint he would have to rely on Staff since it was out of his area of expertise. He stated in regards to the City of Titusville question, in his opinion it would have no effect either way. Discussion ensued.

Mr. Pickles stated that it would be easier to challenge a zoning issue then land use issue, because rezoning occurs on a local level, whereas land use is Legislative.

Mr. Pickles stated that there was currently quite a large buffer around the airports in the City of Titusville according to their land use, so if somebody wanted to challenge that it would be much more difficult to challenge the land use than the zoning. Discussion ensued.

Ms. Clifford stated that the Authority needed to check the perimeters of all of the airports and make sure that they were the way they should be.

Ms. Patch asked if the only way to get the County zoning changed was to appeal this case, or was there another route should the Authority decide to not appeal. Mr. Pickles stated that the only way to get the airport zoning ordinance changed would be to ask the County to revisit it. He remarked that at the April 6 meeting one of the Commissioners suggested to the County Attorney to get that issue on an agenda and get the ordinance updated. He added that the momentum was there and he suggested that the Authority jump on that and move forward. Discussion ensued among the Board.

Mr. Pickles stated that there was no guarantee the binding development plan as it exists would permit the development to go forward, because it was very restrictive and it was possible that a lender may deny Dr. Niazi. Mr. Pickles stated that if the Authority works with the County to get the airport ordinance up to speed, it could prohibit trying to eliminate the restrictions of the binding development plan in the future. Discussion ensued among the Board members.

The Board discussed whether or not the binding development plan would be obsolete if Merritt Island became incorporated. Mr. Pickles determined that the newly adopted city may not be bound to what the County had agreed to. Discussion ensued among the Board.

Mr. Pickles discussed that the Legislature should not only look at the Merritt Island situation, but all airports around the state, and should create some additional blankets of zones of protection, as well as additional requirements of local governments to restrict such development. Mr. Scott Carr stated that there have been discussions to that effect through the Florida Airports Council. He added that each year, though, this issue always seemed to fall to the bottom of the Legislative list of things to move forward on. Mr. Carr stated that he believed that more than likely there were real estate people lobbying against it. He added that the chances of it moving through the Legislature are very slim. Discussion ensued among the Board on the chances of getting the State Legislature to strengthen Chapter 333.

The Board concurred that the Authority should at least initiate this action in addition to working with the Brevard County Commissioners to update their airport ordinances. Discussion ensued.

Mr. Larry Runyon discussed the role of the County Commissioners and what they wanted to accomplish. He stated that in the case of the River Fly-In Condo project, the Brevard County Commissioners were really just looking at more tax revenues.

Ms. Veronica Clifford stated that she didn't agree. Discussion ensued among the Board.

Ms. Clifford discussed the issue of height restrictions and whether or not the River Fly-In project met the County's restrictions. Mr. Pickles, legal counsel, stated that the project did meet the restrictions.

Mr. Jay Schenck stated that Mr. Pickle's recommendation was for the Authority not to take any action. He added that it was a good idea to investigate all land use designations around the airports and the Authority should look into strengthening Legislation on Chapter 333. Mr. Carr stated that Staff had already begun checking land use around the airports and would be bringing a report back to the Board in the upcoming months. He also suggested that as part of the motion the Board instructs Staff and legal counsel to move forward to work toward changing Chapter 333 with the Florida Airports Council. Mr. Schenck contemplated whether or not the Board needed to make a motion. Mr. Pickles stated that there is no required motion if the decision of the Board was not to move forward. The Board concurred that there would be no motion on the appeal.

Ms. Clifford made a motion to give Staff direction to continue reviewing land use for all three airports and surrounding areas, to work with the Brevard County Commission to adjust their airport zoning ordinance and to seek State Legislation in regards to strengthening Chapter 333. Ms. Patricia Patch seconded the motion. Discussion ensued.

Mr. Runyon suggested that the Authority send a well worded letter to State Representatives to try and garner their support for legislation to strengthen Chapter 333. Ms. Clifford amended her motion to include that Staff send a letter to the delegation to ask for their support. Ms. Patch agreed to the change. Discussion ensued among the Board.

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

Mr. Carr stated that Staff had established documentation breaking down by street which property was owned by the Authority and which wasn't. He produced the documentation, and stated that name, address and property value were being tabulated onto a spreadsheet. He added that Staff was working on adding current and future zoning information to the tabulation. Ms. Clifford asked Mr. Carr if any conflicts had been identified. Mr. Carr stated that there had been a few. Ms. Clifford suggested that the Board discuss those conflicts as they come up. Mr. Carr recommended that they do it airport by airport. Mr. Runyon stated that he was concerned that if every conflict was treated individually, it would take too much of Staff's time. Ms. Clifford stated that she would agree if Mr. Carr could bring that information to the Board by July, 2006. Discussion ensued.

Discussion of Proposed Joint Workshop of Brevard County Board of County Commissioners & the Titusville - Cocoa Airport Authority.

Mr. Jay Schenck stated that the County Commissioners had requested a workshop on May 18, 2006. He added that this would be a good opportunity to show the Commissioners future goals and plans, why the Authority needs support, and to show what an asset the airports are to Brevard County rather than to have the Commissioners concentrate on what they believed were personality conflicts with Authority Staff. He stated that it also might be wise for the Authority to bring a State Representative to keep the meeting civil. Mr. Schenck stated that Mr. Carr didn't recommend having the meeting at that time, so he wanted to open it up to the Board.

Mr. Carr distributed copies of the initial request for the workshop from Thursday, April 20 at approximately 3:30 PM. Mr. Carr stated that Staff responded to that request the next day indicating that the Authority Board would be polled to find out which direction they wanted to go. He commented that in the meantime the Brevard County Commission went ahead and set the date for May 18 at 5:00 PM. Mr. Carr reminded the Board that May 18 was the date of the Regular Board meeting for the Airport Authority.

Mr. Schenck opened the floor for discussion. Mr. Phil Napolitano stated that he wouldn't be able to attend on that date, and added that he felt the workshop should be set for a later date so the Authority could have time to prepare.

Ms. Veronica Clifford stated that she had an opportunity to watch the recorded County Commission meeting from April 25 and her impression was that the Authority should have immediately responded to the County Commission's request. Ms. Clifford commented that in the meeting Commissioner Colon stated that she would have thought the Executive Director of the Airport Authority would have levied an invitation at the Authority's April Board meeting. Ms. Clifford stated that the Commissioners had a lengthy discussion about that, and she was very concerned. She also stated that the Commissioners discussed that the Authority Board didn't want to meet with them. Ms. Clifford stated that her comment was that she had wanted to meet one on one with the Commissioners. Ms. Clifford asked the Board members if anyone had made an attempt to meet one on one with the Commissioners. She also stated that she had a list of the concerns of the Commissioners. Ms. Patch stated that since she represented the City of Titusville she met with the City Council. Mr. Schenck stated that he had met with some of the Commissioners; however, he had set up appointments with Commissioner Colon and Commissioner Voltz and they both canceled.

Ms. Clifford discussed that at the April 25 meeting the County Commissioners used the term "misappropriation of funds" in regards to the Airport Authority. She stated that she felt the workshop should be held on May 18 so as not to drag the issues out.

Ms. Patch stated that she felt the County Commissioners were misinformed because when she spoke with Commissioner Pritchard he had information that wasn't factual and she didn't know where he had gotten it from.

Mr. Larry Runyon stated that he believed the Authority should go to the workshop on May 18 and try to make a case for the airports, but if the consensus of the Board was that it would take another month to prepare he would support that.

Ms. Patch stated that her problem was that the County Commissioners set the meeting without a consensus of the date and she felt it was arrogant. She also stated that she wanted to know what the agenda was and what precipitated the action, and she felt that it was almost a mandate by the Commissioners.

Mr. Schenck stated that since it was going to be a public workshop, it would be the perfect opportunity to let the community know what the Authority was about. The Board agreed that they do need to facilitate an agenda for the workshop.

Ms. Clifford asked Mr. Pickles, legal counsel, who sets the agenda in a workshop environment. Mr. Pickles stated that when it's a workshop between two government entities it would normally be set by a consensus either staff to staff or chair to chair. He added that maybe the way to handle it would be to have Authority Staff request an agenda from the Commission, and then have the Authority respond to that agenda. Mr. Pickles stated that the workshop should be bilateral not unilateral and a representative from either or both boards would sit down and talk about the agenda and then bring it back to both boards for approval. He stated that this situation was unusual and he believed the Airport Authority had never had a joint meeting with the County Commission. Mr. Pickles stated that the bottom line was it was normally an agreed agenda and an agreed date.

Ms. Clifford stated that at the April 25 County Commission meeting Commissioner Pritchard made statements in regards to the fact that there is too much "he said, she said" and they needed to have the meeting to either confirm or eliminate all of the allegations. She added that she agreed with Commissioner Pritchard. Ms. Patch stated that she didn't want the Authority to go into this workshop and get blindsided because there wasn't a stated agenda.

Mr. Ken Rivard stated that he had spoken to some of the Commissioners and the County Clerk of Courts, Scott Ellis and they were concerned with the way the Authority was spending money. Mr. Rivard discussed his issues with the money being spent by the Authority. He also stated that some tenants were pushed out to allow other tenants to come in. Mr. Rivard commented that the runway at Space Coast Regional Airport was lengthened to allow for growth and he didn't believe the Space Coast Regional Airport was growing. He also made statements of discern towards Holland-Sheltair in regards to the amount of money they were making renting out t-hangars v. the amount of money they were paying the Authority for rent. Mr. Rivard stated that he was concerned about the money being spent to put in a new water line and that there were several issues at Merritt Island

Airport that he was concerned about including the assumption of the FBO lease. He stated that the Authority was not getting fair market value for that lease. Mr. Rivard mentioned his concerns about the tie-down spaces on the north side of the runway and also his concerns for lack of hangars. Mr. Rivard stated that he believed that the letter written by Aircraft Engine Services in regards to him attending a meeting between Mr. Carr and Aircraft Engine Services was meant to embarrass him.. Mr. Rivard remarked that there must be some deep underlying unrest for the Commissioners to want a workshop, and that the Authority must be doing something wrong in their eyes. He added that the issue with the Gryphon Group was probably a catalyst, and the Board should have exonerated them from their non-compliance at the April Board meeting, as he had suggested. He compared the use of non-leasehold space for parking by Helicopter Adventures at the Space Coast Regional Airport to the use of non-leasehold space by Gryphon Group. Mr. Carr addressed this issue, stating that it has been discussed on several occasions that a parking lot is going to be constructed for Helicopter Adventures. Ms. Patch stated that it was a totally different issue. Discussion ensued among the Board.

Mr. Schenck addressed Mr. Rivard stating that he could see where the discord was coming from, and remarked that if he was feeding the Commissioners this misinformation then there was no wonder they were up in arms. Mr. Schenck stated that he had watched the growth of the airports and his view was completely different then what Mr. Rivard had stated. Mr. Schenck also remarked that he believed the Authority would have to defend itself from this misinformation to the County. Discussion ensued.

Mr. Rivard stated that his statements were not incorrect. He also stated that the Authority meeting minutes were not up to date on the website, and that some of the already posted minutes were missing. Mr. Carr mentioned that the server had been down, and he was continuing to work on getting everything back. Discussion ensued.

Ms. Clifford stated that she hoped that at the joint workshop Mr. Rivard wouldn't discuss the day to day business of the Authority with the County. She stated that he was only one of seven and the majority holds. Ms. Clifford asked if the Board would authorize the Airport Authority attorney to request a break at the joint workshop immediately if any of the day to day operations are brought up. Mr. Napolitano stated that the Board needed to be unified. Discussion ensued among the Board in regards to being a unified front at the joint workshop with the County.

Ms. Clifford re-stated her motion that if the workshop gets steered in the direction of day to day operations of the Authority that Mr. Tim Pickles make a motion for a recess. Mr. Pickles stated that this would be the Chairman's call, not his, and that whatever happens at that meeting would be in agreement to both parties as led by either Chair. Mr. Schenck stated that because the workshop is going to be public, if the Authority were to call a recess everyone in the public would be stirred up. He added that if the Commission asks a question, the Authority should address the

issue. Ms. Clifford stated that she couldn't support that. Discussion ensued.

Mr. Larry Runyon stated that he felt if the direction begins to lead to management issues, the Board needed to tell them that Mr. Carr operates per direction of the Board and if there was a tenant who was not abiding by the terms of their lease agreement, no matter who the tenant was the Board has directed Mr. Carr to take appropriate action.

Mr. Schenck stated that he believed there should be a moderator at the workshop, and he suggested Representative Ralph Poppell. Discussion ensued among the Board members.

Mr. Schenck suggested that the Board agree to meet with the County Commissioners on May 18, 2006 if the agenda was prepared and that they follow the agenda. He stated that if they don't accept it, then the Authority should cancel the meeting. Mr. Tim Pickles stated that he had never seen an issue like this, so their really wasn't a precedent. He suggested that either Staff members or the Chairs get together and put forth an agreed to agenda between the two entities, so that everyone is comfortable. Mr. Pickles stated that if the issue was budgetary, that was one of the things that the County had been tasked to do; however, if it was about management of the Authority it wasn't something within the County's requirements or their rights to get into. Discussion ensued.

Mr. Carr stated that he believed all the Board members needed to be present at the workshop, and he wasn't sure that Dr. Boucher would be able to attend the workshop at that time. He suggested that the Board may want to propose an alternate date when all Board members could be present. Mr. Carr also stated that there may be conflict if he takes individual input from the Board members in regards to what should or shouldn't be on the agenda. He recommended that everyone should have an opportunity to review the proposed agenda from both sides, otherwise their will not be a unified front. Mr. Carr stated that he did not believe the County Commissioner's agenda was about budgetary issues, but secondary issues related to management. Discussion ensued among the Board members.

Mr. Carr stated that Ms. Clifford had made an earlier statement about leaving the workshop if the Commissioners proceed to talk about management and he asked the Board to consider how that would play out the day after the workshop from a public relations perspective. Discussion ensued.

Mr. Schenck stated that he and Mr. Carr would attempt to meet with the Ms. Peggy Busaca and Commissioner Helen Voltz and set the agenda. He stated that he would believe it appropriate that if the Authority and the County are not able to set an agenda in the protocol, then the Authority would cancel the meeting and delay it until they are ready. The Board concurred and discussed a date to set the agenda by.

Ms. Veronica Clifford suggested that the Airport Authority Board give the County Commission until May 10, 2006 to develop an agenda. Mr. Schenck asked Mr. Carr if that was enough time for him to research the issues. Mr. Carr stated that he wanted to make sure all Board members would be in attendance and that there was enough time to prepare an agenda.

Mr. Schenck asked the Board if they would like a moderator to be at the workshop. The Board agreed this wouldn't be necessary. Mr. Schenck entertained a motion. Mr. Larry Runyon made a motion that Staff and the Chair develop an agenda for the May 18, 2006 workshop and that it be forwarded to the County Commission asking that they provide an agenda by the morning of May 10, 2006 to which the Airport Authority would then agree to meet with them on May 18 if the agenda is agreeable to both parties. He also suggested that the Board tell the County that the Authority is not going to appeal the Niazi rezoning. Ms. Veronica Clifford seconded the motion.

Mr. Carr stated that he had spoken with Board member Dr. Matthew Boucher, who had indicated that he felt May 18 was too soon and also that he would not be able to attend. Ms. Clifford stated that it would be appropriate for Mr. Napolitano, who would be out of the country on that date, to write a letter and have it distributed to the Commission so that they didn't think he was "skipping out". Mr. Napolitano concurred.

Mr. Schenck opened the floor to the public. Ms. Bobbie Lasher stated that she agreed the Board should stick to the point and Mr. Schenck should stay in control at the workshop.

Mr. Schenck called the question. All voted aye. Motion passed. Mr. Schenck suggested the Board make an outline to the agenda. Mr. Schenck called a 3 minute recess.

Mr. Schenck called the meeting back to order. The Board discussed what should be on the agenda.

Mr. Schenck stated that he felt it would be wise for the Board to have another meeting before May 18 to go over everything in more detail. The Board agreed to meet on Monday, May 15 at 8:00 AM. Discussion ensued among the Board.

The Board discussed why two of the County Commissioners who were not in any of the districts that appoint Board members, were able to vote on matters of the Airport Authority. Mr. Tim Pickles explained the legalities of this issue. He also stated that this issue could be raised to the County Commission at the workshop.

Ms. Clifford stated that she believed Mr. Steve Ellis, the Authority's CPA, should attend the workshop and explain the funding portion of the agenda as well as to answer any questions the County Commission had about their misappropriation of funds comment. She suggested that Staff provide a copy of the Commissioner's

April 25 meeting to Mr. Ellis. She also suggested that Mr. Ellis attend the Airport Authority Board meeting that was set for May 15. Discussion ensued.

Ms. Clifford asked Mr. Pickles if the public would be allowed to speak at the workshop. Mr. Pickles stated that normally they are open to the public. Discussion ensued among the Board.

Mr. Schenck stated that he believed they should also discuss why it was important to have a buffer around the airports. He also asked the Board if they should discuss the possibility of the Authority becoming independent. Ms. Clifford stated that she didn't think that it was a good idea. Mr. Runyon stated he felt that issue shouldn't be brought up at this particular workshop, but could be discussed in the future at another workshop. Discussion ensued.

The Board concluded that the agenda should include the following:

1. How the Authority Board is created by Enabling Legislation and showing what the taxing districts are.
2. Introduction of the Board members and their background.
3. A brief history of the airports with descriptions and their economic impact to the community, as well as the land mass of each airport and also to include the master plans of each airport.
4. Finance to include funding and grants with a clarification of the amount of ad valorem taxes and a copy of the audit that they approved.
5. The future of the airports to include the pursuit of strengthening Chapter 333.

Mr. Runyon stated that in the finance section the Board should discuss grants, projects and the total revenues of the airport. Mr. Runyon also stated the economic impact should be brought up in the History section as well as the Finance section. Mr. Schenck stated that it was very important to let the County know how much money the Authority had acquired in grants which have resulted in projects that benefit the County as compared to the amount of ad valorem taxes the Authority receives from them.

Ms. Bobbie Lasher stated that Helicopter Adventures and other tenants of the Authority have a very large impact on the local economy. She also discussed a report that was written in the 1980's by Ms. Karen Andreas, who was a County Commissioner at that time, that figured out the airports were worth \$44 million to the County. She added that she had a copy of that report and would provide it to the Authority if they wanted to see it. Discussion ensued.

Authority Member Discussion

Mr. Runyon suggested that the Authority not go into detailed presentations on the agenda items. Ms. Clifford agreed. Mr. Rivard stated that not everyone was going to agree with the Authority.

Mr. Carr provided a copy of a letter from Mr. Tim Pickles to the Gryphon Group. Mr. Schenck stated that one of the Commissioners had asked him if the Authority would work with the Gryphon Group. He stated that he had replied to that Commissioner that the Authority would work with the Gryphon Group to amend their contract if requested; however, the Authority was only asking the Gryphon Group to comply with their contract. He stated that what he really wanted was for the County to hold the Authority harmless if there was an environmental issue after Gryphon Group leaves. Mr. Larry Runyon stated that Michael Vaden of Gryphon Group at least had a responsibility to request an amendment to his contract. Mr. Rivard stated that he believed Mr. Vaden's interpretation of the contract was different than the Board's interpretation. Mr. Tim Pickles, legal counsel, stated that even if a court were to declare that Gryphon Group was not in violation, because the lease has a 90 terminable clause the Authority could choose to terminate Gryphon Group even without a violation. He added that in the correspondence he tried to make that clear to Mr. Vaden.

Ms. Bobbie Lasher stated that Mr. Deric Dymerski from Atlas Aviation at Merritt Island Airport sent a letter to every hangar tenant at Merritt Island inviting them to a meeting the previous Saturday so that they could meet him and his staff and to tell the tenants his plans for the FBO and the airport. She stated that out of 150 tenants only 25 people showed up. Ms. Lasher stated that Mr. Dymerski asked any of the tenants if they had any questions, and only 4 had questions. She added that she believed Mr. Dymerski wanted to be a good steward and that he has offered the tenants up front ten cents a gallon off the price of fuel and an additional fifteen cents off if they have a Shell Card. Ms. Lasher stated that the discount would not only apply to the Merritt Island Airport, but also to Atlas Aviation at Peter O. Night Airport and anywhere else that Atlas Aviation opens an FBO.

Adjournment

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

JAY G. M. SCHENCK, CHAIRMAN

DR. MATTHEW BOUCHER, SECRETARY