

CHARLOTTE COUNTY AIRPORT AUTHORITY

MINUTES OF REGULAR MEETING – NOVEMBER 18, 2021 – 9:00 A.M.

5 **1. Call to Order**

2. Invocation

 Chair Herston gave the invocation.

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3. Pledge of Allegiance

4. Roll Call

15 **Present:** Chair Herston; Commissioners Andrews, Coppola, Hancik and Oliver; Attorney Carr; CEO Parish; Mrs. Paglialunga; Mr. Laroche; Mr. Duncan; Mr. Hafenbreidel; Mrs. Miller; Ms. Desguin; Mr. Maunahan; Mr. Laliberte; Mr. Fisher; Mr. Mallard, and Mrs. Cauley. **Others present:** Councilmember Kuharski; Commissioner Deutsch; Paul Piro; Steven Henriquez; Mark Kistler; Stan Smith; Richard Pitz; Lionel Shuman, others from the private sector and a member of the press.

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5. Citizen’s Input

6. Additions and/or Deletions to the Agenda

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7. Employee Service Recognition

 Mr. Hafenbreidel presented Mr. Maunahan with a Five-Years of Service award and commented that Mr. Hill was unable to attend the meeting but was also presented a Five-Years of Service award. Mr. Laroche presented Mr. Laliberte with a Five-Years of Service award and Mr. Fisher with a Ten-Years of Service Award.

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8. Consent Agenda

Commissioner Oliver motioned to approve the Consent Agenda as presented. Commissioner Andrews seconded. Motion passed unanimously.

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9. Secretary/Treasurer’s Report

 Commissioner Hancik reported on revenue, expenses, and operating gain for year to date and budget year to date. He commented that there is a detailed report at www.FlyPGD.com. Mr. Parish commented that there were a few items that stuck out such as insurance, losses, and legal and professional. He commented that the year finished positive, the balance continues to grow, and there’s only one customer far behind on receivables. He commented that PFC 1 is complete, PFC 2 is almost completed, and PFC 3 is started. Commissioner Hancik opined that it’s important to note that PFC stands for Passenger Facility Charge and that it is a federal program that allows airports to charge up to \$4.50 per departing passenger, which the airline collects, keeps 8% of and sends the remainder to the airport for use to build capital improvements on the airport. Mr. Parish commented that the Airport has collected a little over \$11 million to date in PFC’s.

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10. Liaison Reports

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- a) **Punta Gorda City Council** – Commissioner Hancik introduced the new Punta Gorda Councilmember Mark Kuharski.
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- b) **Board of County Commissioners** – Commissioner Deutsch complimented the Board and Staff for how smoothly and efficiently the Airport operates. He commented that the County is facing the challenge of unique and exceptional growth. He thanked the Board for participating in the Veterans Day parade and commented that the highlight honoring Veterans was the groundbreaking of the first responder’s memorial at the William R. Gaines Jr. Veterans Memorial Park. He commented that Chair Herston has volunteered several hours of service to help make the memorial happen. He commented that the County Commissioners were blindsided by what happened with the Cultural Center, that the contract was signed in 2000 for 40 years, and that it’s run by a 501c3 with rent being \$1 per year and the County caring for the roof and grounds. He commented that the County received an email about 10 days prior to the center closing requesting \$300,000 to keep the center open. He commented that there was no warning or notice provided to anyone in the County or within the Community and opined that it’s interesting that the County is being blamed for the Cultural Center. He commented that the County is going to take a step back to take a good look at everything and opined that he’d personally like to see a bigger and better Cultural Center come from the situation. He opined that impact fees will be increased by the County.
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- c) **Metropolitan Planning Organization/Economic Development** – Chair Herston commented that the next MPO meeting is December 16th and that he attended the MPOAC meeting in Orlando. He opined that the biggest highlight is that a new Executive Director was voted in. He commented that the private side of economic development is very busy.
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- d) **Community** – Commissioner Coppola commented that she attended a Republican Executive Committee meeting to discuss the Airport, the Liberty Caucus Meeting to represent the Airport, the Chamber of Commerce Awards Luncheon, and that she participated in the Veterans Day parade. She commented that she also attended the Women’s Club of Charlotte County Thanksgiving luncheon where she discussed the Airport’s serviced cities and that she missed the employee BBQ.
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- e) **State Legislation** – Commissioner Oliver commented that the State Legislature just completed a special session in Tallahassee in order to address vaccine mandates and passed a series of four different bills to blunt President Biden’s mandate for employers with over 100 employees. She commented that this was carried out as it is recognized that Florida has a labor shortage, and it is desired to protect the ability of workers to make their own choices about getting vaccinated. She commented that the bills prohibit governments from instituting vaccine mandates for employees, prevent school vaccine and mask mandates in the public school system, lays the groundwork for the state to join 21 other states to develop its own OSHA, and removes the power of the State Surgeon General to order vaccinations for the population during times of emergency. She commented that it would apply only to Florida businesses and that it doesn’t prevent private employers from imposing their own vaccine mandates, but it does add additional opt outs for employees. She commented that the Legislative Delegation was held last week and though unable to attend she heard Chair Herston did a great job presenting the appropriations request for the \$3 million for CTC.
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5 Mr. Parish commented that a bill has been filed by a representative out of Gainesville that would limit the amount airports are allowed to charge to TNC's. He commented that the limit is right at what the Airport charges, but the problem is when government starts regulating airport fees, it's questioned what's next. He commented that he is fighting that bill, that the representative is upset that Gainesville raised their fee from \$1 to \$3 to meet industry standards, and that the representative is also limiting it to pick ups only so that you cannot charge for drop offs. He commented that the bill also doesn't allow the parking area to be changed which is not feasible, that the parking area is an electronic fence that the TNC provides, and that the first driver in gets the first ride. He commented that the airport group is working tirelessly to explain to the Legislature exactly what that means and that he'll keep the Board up to date on it. Commissioner Coppola inquired as to who proposed the change. Mr. Parish commented that he will get his name and that he's a representative out of Gainesville, Florida. Commissioner Coppola inquired if Mr. Parish feels airports have a great case. Mr. Parish opined that he does but they have more lobbyist so he's unsure who will win.

11. Attorney's Report

20 Attorney Carr commented that Gulf Contours didn't pay their taxes pursuant to their agreement, that he communicated with the taxing authority who informed him that Mr. Goin requested a one-month exemption as he was undergoing a medical procedure, and that it was granted by the taxing authority. He opined that since the taxing authority is in concurrence with that, Mr. Goin is in concurrence with the program. He commented that Mr. Goin is supposed to provide an update as of December 01st as to his progress. He commented that he has been working on numerous leases and contracts.

12. CEO's Report

30 a) **Development Update** – Mr. Parish commented that the RFP is still being developed for the spec building, the self-serve fuel bids were rejected, and that Staff is looking into buying the pump directly and design-building the pad to save about \$400,000. He commented that Staff is still reviewing the rental car study, the contract is being worked on for the taxiway D rehab, the hangars are almost finished being designed, the inline baggage system has a long design process, the second phase of the contract has been signed for the FBO hangar, and Staff is expecting an FDOT 50% funding grant for roadway network improvements. He commented that there is a right turn lane from Piper planned with the roadway network improvements project, that a water line was installed by the city on Piper, that Staff has been working with the city to relocate the water line, that the city said at first that an interlocal agreement could be worked out, and that a second email was received that was robust and included a suggestion to move all of the Allegiant traffic to RSW. He opined that to him it is a very concerning thought from a senior executive with the city, that he'd like to meet with the new City Council Liaison, that the Airport will continue to grow, and that he hopes the city will be a partner in the growth. Chair Herston inquired as to the size of the main and cost of relocation. Mr. Parish commented that he believes it's a 12-inch main and about \$120,000 to relocate. He commented that the roadway network project and terminal curbside project are being combined and is being finalized to be put out to bid as soon as the grant from FDOT is received. He commented that runway 4-22 is going to close in January for about a year for rehabilitation and reconstruction and that the wetlands mitigation will occur at the same time. He commented that the T-hangar project is back

underway, and the new Air Center and ramp is moving along. He encouraged the Board to go look at the new Air Center as walls are going up and paving is being completed. Commissioner Hancik opined that he's concerned about the email from the city and inquired if it came from the City Manager. Mr. Parish commented that it was not the City Manager but someone directly under him. Commissioner Hancik opined that the new Councilmember should take a look into the matter and that it's very important that the relationship is patched up. Mr. Parish commented that he'll continue to work through the matter.

b) Marketing Update – Mrs. Miller commented that she would like to remind the Board that the Christmas Parade for the Charlotte County Chamber of Commerce is December 11th, that all Commissioners are participating, and that there will likely be four of the K9 Comfort Crew pets and handlers onboard also. She commented that the theme is toys, trains, and candy canes and that she'll follow up with an email. She commented that if someone would like to build or find a new airplane float, the Airport would love to have it. Commissioner Coppola confirmed that the previous airplane float fell apart and commented that Mr. Shuman, who is in the audience, was a contributor to the float.

c) Aviation Report – Mr. Mallard reported on passenger counts, fuel sales and gallons pumped, aircraft ops, hangar vacancies, and routes.

d) Proposed Leases

i. Black Bird Aviation – Mr. Parish commented that Black Bird has decided against the 60-acres, that they previously spoke about 10-acres on the north side, and that during the most recent meeting he was notified that they are working with Bruce Laishley for property in the Industrial Park to the southeast of the Airport and if it works, they will be requesting a Through the Fence (TTF) agreement. He commented that he has warned them that it will add more time as a TTF agreement is difficult to get through. He commented that they are also looking at the IDA land, that their idea was to move the school to the IDA land, and that the \$3 million request has to be spent on the Airport if approved so the Airport will have to buy the land. He commented that the IDA would like to speak to Black Bird first prior to the Airport making an offer on the land.

ii. Day Break Market – Mr. Parish commented that Day Break is reviewing the lease and that he hopes to have a final lease back by the December meeting for the Board to review.

iii. Jet Access – Mr. Parish commented that Jet Access is an aviation management company who is currently in negotiations for a few offices in the new Air Center building and that they are discussing building their own storage and operations hangar. He commented that he has laid out about four sites next to the new FBO hangar and that once a final build price is determined, the Airport is going to offer for Jet Access to contract directly with O-A-K to duplicate the hangar. He commented that Jet Access would be bringing in large private jets that they operate for other people, completing maintenance and service onsite, and crewing them out of the Airport to pick up customers.

iv. **Air Center Restaurant** – Mr. Parish commented that Staff is continuing to discuss with potential restaurateurs and had a good meeting with an Italian restaurant chain operator out of Fort Myers who is interested but would like to visit once the building is finished more so they can see what the area will look like. He opined that after the first of the year people can begin coming in for tours to get something started.

Commissioner Hancik opined that the IDA real estate is a very important piece of property and that he is unsure as to why the Airport is being pitted against someone else. He opined that there is a relationship through the County Commission to get the IDA grant as there is already an appraisal and that there may need to be some political pressure placed on the matter. Mr. Parish opined that their biggest concern is that the deal has to be taken back to the County Commission, that the County Commission gave it to the IDA saying it was worth around \$3 million, and it's about 55% wetlands and has no access. He opined that the offer the Airport is intending to make is a good offer and that unless the Airport provides access, no one else can build on it. He commented that he should have something back next month on it. Commissioner Hancik inquired if the Airport makes the offer in advance of holding it back if the IDA will have to take the offer to the Commission. Mr. Parish commented that they can also reject it. Attorney Carr commented that during the last time he dealt with a TTF issue, he understood that the FAA highly discouraged that type of agreement and inquired if that is correct. Mr. Parish commented that it is correct. Attorney Carr commented that he does not mind someone trying to complete the process, but he would like them to understand that the FAA is adamantly opposed to TTF access. He opined that getting through the fence access granted by the FAA is slim to none. Mr. Parish commented that during his discussions with the FAA over the past few years about TTF operations, it is increasingly more difficult. He commented that they have been approved for Prime Air, FedEx, UPS, and other large operators that bring freight in that then goes into a processing center through the fence. He commented that he is trying to do research on any recent MRO TTF agreements, that he has not found one yet, and that he is awaiting information from the FAA. He commented that it isn't impossible, but it does delay the timing of the project significantly. Attorney Carr commented that he is only bringing the matter up to make everyone aware that the last time he dealt with it, the FAA was adamantly opposed to TTF operations. Mr. Parish commented that the DOT dislikes TTF agreements so much that they've previously said they won't provide grants to those that have them however they've since softened on the matter. He commented that Staff has completed the agreement with Turo, that it is a one-year deal for six percent of growth plus parking and is a trial period to see how Turo operates and how much they use the Airport. Commissioner Coppola inquired who Turo is. Mr. Parish commented that Turo is a peer-to-peer car sharing network. Commissioner Hancik commented that an individual can rent their car if they aren't using it. Mr. Parish commented that what is happening with Turo is the used car lots during Covid were taking excess inventory and using it for Turo to create cash while the cars were sitting on the lot. He opined that it's an interesting idea and the Airport will be one of the first ten airports to have a deal with Turo in the country. Commissioner Coppola inquired if Turo is cheaper than chain car rentals. Mr. Parish commented that they do have higher end cars and can be less expensive at times, that they require a much smaller footprint as they don't need buildings or return lots, and that they're taking away from car rentals in a similar manner to how Uber and

Lyft took away from taxis. He commented that it is a changing environment and Staff is trying to receive contractual agreements with everyone who operates on the Airport so all operations can be watched. He commented that Turo has been operating at the Airport for years, that a few illegally parked cars that were suspected to be Turo have been towed, and the Board previously passed a Resolution about Turo that made them contact the Airport. He commented that Tampa was the first to have a deal with Turo, then St. Pete, and now the Airport and Sarasota are about to sign agreements.

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- 10 e) **Vaccine Mandate** – Mr. Parish commented that the federal vaccine mandate is different than the 100-employee mandate that is going through OSHA and that it is a federal contractor mandate. He commented that he has been following the matter very closely as it effects Staff, the tower, and the TSA contractor. He commented that he has been assured by the tower operator that they are working towards getting 100% vaccination or medical or religious waivers prior to the January 04 deadline. He commented that the deadline was moved from right before the holidays to right after the holidays. He commented that the enforcement for private businesses that do contract work with the federal government is a little wider in their discretion as to how you deal with and dismiss employees. He commented that it allows the Airport to make decisions however it can affect some of the workforce and that the current vaccination rate for Staff is about 71%. He commented that there are a number of employees who will not get vaccinated, that he will sit down with each to determine if they will complete a medical or religious exemption, and that he is also monitoring legal challenges. He commented that the current challenges have been focused on private businesses over 100 employees and the government contractor mandate has gotten lost in the matter. He commented that he is expecting something to happen, but no injunction has been filed yet for federal contractors. Commissioner Coppola inquired if the matter is in court. Mr. Parish commented that it is however most of the cases are from the private industry. He commented that the Airport is considered a contractor due to the grants with the TSA and that there is a line that says the TSA can change the contract at any time to mean anything. He commented that it's similar to the Shovel Ready Act received years ago where the grant was changed two weeks after receiving it and the choice was to either sign the change or give the grant back. He commented that he just wanted the Board to know that he is on top of it and that he will look at the matter in early December again. Commissioner Oliver inquired as to how much the TSA grant is for. Mr. Parish commented that it's a little over \$900,000, that it is not a grant but instead an Other Transaction Agreement (OTA), and that because of that, the TSA is considering it a contract. Attorney Carr commented that he would like to remind Mr. Parish that he will need to be careful with HIPPA when asking employees medical questions about their desire to get or not get the vaccine. Mr. Parish commented that he is following the tight rope of what can and can't be asked. Attorney Carr opined that it does not make sense that you can receive a medical wavier, but the employee cannot be asked about the medical process, resulting in two federal laws saying conflicting things. Mr. Parish commented that the medical wavier requires a doctor's signature, the religious wavier does not, and that you are supposed to have a sincerity test for the religious wavier. He commented that he will not be completing that process however he will accept waivers if provided. Attorney Carr commented that a sincerity test derives from incarceration of prisoners who demand certain rights to a process with the most common being an individual who demands kosher meals. Commissioner Coppola inquired as to who writes the formats for the sincerity test. Attorney Carr commented that there are formats for that related to individuals who are demanding certain
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religious liberties while incarcerated. He commented that he knows the Charlotte County Jail has a format as he drafted it. Commissioner Oliver inquired if the \$900,000 TSA contract is something that the Airport is reliant on or if there is something that can be done to absorb that cost. Mr. Parish commented that the contract is for the design of the baggage handling system, of which the TSA has to be a part of, and that it's a requirement for them to be a partner in the matter. Commissioner Oliver inquired if the federal government ever provides grants that are not considered. Mr. Parish commented that the FAA has said they don't have the authority however the TSA is new, and their attorney believes they have broad authority. He commented that when asked what the TSA's authority to mandate mask is on a conference call, the answer provided was broad. Commissioner Oliver inquired if there's any chance for the airports to get together to challenge that. Mr. Parish commented that they are however it is a mandate that has an end and that it probably wouldn't be heard by the time the mandate is over. He commented that the problem is that the mandate has been continued three times, including until January as of right now. Commissioner Oliver opined that they do not understand about the labor shortage and what that does to companies, governments, and businesses operationally. Mr. Parish opined that to change the date from before to after the holidays is not a sincere concern about the mandate.

13. Old Business

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14. New Business

- a) **CEO Parish Contract Renewal** – Commissioner Andrews commented that he was unable to attend last months meeting however he did notice that it was mentioned to review Mr. Parish's employment agreement. He commented that he asked for the matter to be put on the Agenda and Attorney Carr put together a First Modification Employment draft, which he feels is pretty straightforward. He commented that the modification amends Mr. Parish's original agreement, that there would be no other modifications. Attorney Carr commented that he drafted the agreement at Commissioner Andrews request and that he felt the easiest format was to amend the current contract to amend the time frame. **Commissioner Andrews motioned to approve the first modification of CEO Parish's employment agreement as presented. Commissioner Coppola seconded. Motion passed unanimously.** Mr. Parish thanked the Board.
- b) **Election of Officers** – Chair Herston passed the gavel to Attorney Carr. Attorney Carr commented that he has been handed the gavel to conduct the election of officers for the upcoming year and that he is entertaining nominations. He requested nominations for Chair. Commissioner Coppola nominated Commissioner Hancik. **The Board voted unanimously for Commissioner Hancik to serve as Chair.** Attorney Carr confirmed with Chair Hancik that he should continue with the election of officers. Chair Hancik inquired if the chairman can voice opinions on the subjects that appear on the Agenda. Attorney Carr commented yes and that the only thing Chair Hancik cannot do is make the motion unless the gavel is passed and remains passed through out the duration of the consideration. Attorney Carr requested nomination for Vice-Chair. Commissioner Coppola nominated Commissioner Herston. **The Board voted unanimously for Commissioner Herston to serve as Vice-Chair.** Attorney Carr requested nomination for Secretary/Treasurer. Commissioner Andrews nominated Commissioner Coppola. **The Board voted unanimously for Commissioner Coppola to serve as Secretary/Treasurer.**

5 Attorney Carr requested nomination for Assistant Secretary/Treasurer. Commissioner Andrews nominated Commissioner Oliver. **The Board voted unanimously for Commissioner Oliver to serve as Assistant Secretary/Treasurer.** Chair Hancik requested that Vice-Chair Herston continue as Chair for the remainder of the meeting. Attorney Carr passed the gavel to Commissioner Herston.

- 10 c) **Professional Engineering and Planning Services RFQ Selection** – Mr. Parish commented that the Airport is allowed to go five years between selections, that a three-year contract with two-year option was previously completed, and that the end of the five years was reached a few months ago. He commented that Staff went out a few months ago and received eight very well qualified firms, that they were ranked by a group of employees and Board members, and that Kimley-Horn, Michael Baker, and AECOM were the top three firms with CNS and ICE following. He commented that it's desired to pick three consultants like normal as the Airport gets busier and busier, that having only one has been problematic, and that Staff recommends selecting the top three firms to serve as the Airport's consultants for the next three years with a two-year option. He commented that any project over \$4 million has to be individually put out to bid. Commissioner Herston inquired if there has ever been a situation where three firms were an inadequate amount. Mr. Parish commented that there has not been and that if you go over three firms one will not get work. He commented that Staff tries to determine who is best position and staffing wise to handle the different projects being put out. **Chair Hancik motioned to approve the top three firms as the engineering firms of record for the next three-year period for a two-year option which includes Kimley-Horn, Michael Baker, and AECOM. Commissioner Andrews seconded. Motion passed unanimously.**

25 15. Commissioner's Comments

30 Commissioner Andrews thanked everyone for attending and wished everyone a happy thanksgiving.

35 Commissioner Oliver wished everyone a happy thanksgiving.

40 Commissioner Coppola wished everyone a happy thanksgiving and asked everyone to pray for the country and service members.

45 Chair Hancik wished everyone a happy thanksgiving. He commented that he did attend the ACI annual conference in Reno, that there was a large attendance, that the sessions were interesting, and that there was an interesting issue in 3P. He opined that next month Mr. Parish can report on the \$25 billion gift from President Biden to Airports and that from what he understands, the funds will be distributed based upon the employment formula. He commented that he asked what will happen to the allocation if an airport doesn't have a project ready and opined that projects need to be in the queue. Mr. Parish commented that the bill gives the FAA 30 days to promulgate rules and that Staff is waiting on those figures to determine how the money will be distributed.

Mr. Parish commented that Mrs. Paglialunga will be leaving in January to move to Knoxville, TN and that Kelley McLaughlin will be starting in early December to train over the next month and a half to learn a lot. Commissioner Coppola inquired when Mrs. Paglialunga's last day will be. Mrs. Paglialunga commented January 21st.


Attorney Carr commented that it is always a pleasure to work with Staff as they are all fine individuals, that it's always a pleasure to speak with every Commissioner, and that he appreciates the continued confidence.


5 Commissioner Herston congratulated Chair Hancik on his new position, recognized members of the audience, wished everyone a happy Thanksgiving, and complimented Staff for their hard work.

10 **16. Adjournment**

Meeting adjourned at 10:16 a.m.

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Kathleen Coppola, Secretary/Treasurer


Robert D. Hancik, Chair