

**Airport Advisory Board Minutes
May 11, 2017 5:30pm
Airport Administration Building
8807 Airport Boulevard
Leesburg, Florida**

Attendance: Steve Barber
Mark Crawford
Byron Oldham
Alan Reisman
Bo Wroten

Call to Order

Chairman Alan Reisman called the meeting to order at 5:30pm. Mark Crawford gave the invocation and led the pledge of allegiance.

Approval of Minutes from April 13, 2017 Meeting

Chairman Reisman asked for a motion on the April 13, 2017 minutes. Steve Barber made a motion to approve the minutes. Bo Wroten seconded the motion and it was approved unanimously.

Project Update

Ron Hambrecht from Avcon provided the following information:

Seaplane Ramp: The bids were opened about two weeks ago. There were four bidders. Airport Manager (AM) Tracey Dean is securing the final funding through FDOT. They anticipate construction beginning late June or early July. Bo Wroten asked what company was selected. Rob Hambrecht said they are still checking references and making sure their qualifications and paper work are in order. At this point it looks like it will be the low bidder. Bo Wroten asked what the bid was. Rob Hambrecht said the base bid was \$2.2 million. The additive bid was about \$442,000.00, so the total low bid is just under \$2.7 million. Mark Crawford asked if the low bidder is a local company. Rob Hambrecht said the low bidder is from Ocala. The second lowest is from Leesburg. Steve Barber asked if the bid includes the cost for mitigation. Rob Hambrecht said the construction part of the project does not include mitigation. AM Dean said everything together including engineering, permitting, construction and mitigation totals about \$3.1 million. The mitigation cost is approximately \$85,000.00. Bart Brainerd asked if the project will include building the dock based on where the cost came in. AM Dean said that decision is up to the City Commission. She is hopeful they will approve the contract with the dock included.

Master Plan: Working paper two was submitted this week and is under review. Working paper two is, "Facility Requirements and Environmental Considerations."

East Gate Relocation: AM Dean said the poles for the new fence are in place. The fence itself should go up early next week. Once that is done the gate can be moved. Bo

Wroten asked how far down the gate will be moved. AM Dean said it will be moved past JetSky to open up the second taxiway to allow access to the north side of Airport Boulevard

New Business

Chairman Reisman said the revised Minimum Standards had the first reading at the City Commission meeting this past Monday. The second reading and vote will be done at the meeting on May 22nd. At that meeting, Commissioner Dennison thanked the Airport Advisory Board and staff for their work on the document. The Amendment to SunAir's lease was also approved at the May 8th meeting.

Bo Wroten said he has a question on extending leases. He understands from John Francis that there is an issue and he wants to talk about that. AM Dean said she will touch briefly on the subject. The situation with that lease is that the expiration of the initial term is May 31st. A renewal was not requested per the lease requirements so an extension is denied.

Michelle Francis from Flying Colors asked what the specifications were. AM Dean said the lease terms are a 30-day notice to the City.

Michelle Francis said that for being four days late on her renewal request she is being denied an extension on her lease. She employs half a dozen people and has been on the airport operating and paying rent for 14 years with Flying Colors and was four years in the current building. AM Dean said she understands that. She asked, if Michelle Francis was insinuating that the lease language makes no difference, then why do we have leases. Both parties signed the lease and both parties abide by the lease.

Bo Wroten asked AM Dean if she has plans for that hangar. AM Dean said there is a party who has the first right of refusal on that space. Since the space has not returned to the City yet, she did not feel it was appropriate to contact them to see if they are interested in this hangar. The lease with Flying Colors is still in effect at this point.

Steve Barber asked if the attitude on this issue is hard and concrete or friendly. He asked if the 30-day notice requirement can be considered as a guideline and an exception can be made. AM Dean said that would be depend on your interpretation of the lease language. It is a legal document that signed by two parties.

Bo Wroten asked AM Dean if the airport has ever accepted a lease payment that was late from any tenant. AM Dean said the Finance Department handles all payments. She said the leases contain language on terms of payment. She believes that there are late fees that apply at a certain point.

Steve Barber said the airport has a good tenant in Flying Colors. AM Dean said she will refrain from discussing that further because the attorney for Flying Colors has asked her not to discuss this issue with his clients. She does not believe it is appropriate for her to discuss it with anybody.

Bo Wroten asked what is the job and purpose of this Board. If he is supposed to just come to a meeting once a month and listen to what the airport manager is going to do, he is not needed. AM Dean said in her opinion this Board acts as a liaison to their

commissioner. The purpose of the Board is for the big picture – helping to plan the future, the goals and the vision for the airport based on your business, and in some cases aviation, experience and the information your appointing commissioner passes on to you. That was discussed at the Workshop that was recently held with the City Commission.

Steve Barber said he represents Mr. Christian. He said that being as he represents Mr. Christian, he would advise that we consider an exception to this hard concrete 30-day rule since this is a good tenant. There is nothing on the horizon for another tenant to take over the premises. So he would advise from Mr. Christian's standpoint that we do an exception.

Chairman Reisman asked if each Board member should speak to their individual commissioners regarding this matter. The commissioners can then speak to City Manager Al Minner and he can then discuss the matter with AM Dean. Bo Wroten said that is a good idea. As a businessman, he has tenants himself. When he has a good paying tenant his is not going to kick them out because they were three or four days late on renewing.

AM Dean asked how the Board would distinguish this issue from other situations that may arise in the future. What if there is a default in any shape or form. For example, if a lease requires a tenant to make certain improvements to their hangar within a specific timeframe and they fail to do so. Bo Wroten said if they do not hold up to what they're supposed to do that is fine. But if the airport has accepted payments after the due date, it should be able to accept a renewal notice after the due date. You cannot do one and not do the other. AM Dean said in the leases there is language for default of rental payment and different language for default of other types. She noted that different leases have different requirements.

Bo Wroten said he is supposed to give his business expertise and opinions to this Board. He would not dismiss a tenant simply for being four days late. He is sure it is legal, but as a businessman he believes that if you have a good paying tenant you should work with them. A good tenant should be cherished.

Hans Vosseler said he agrees with Bo Wroten. To have a good tenant is a godsend. The airport should be patient with them and remember that the tenant is also their customer.

Byron Oldham said leases are like laws. They are put in place to protect people. It is not up to AM Dean to subjectively go around them or break them. If we have a fantastic tenant, the Board may need to make a recommendation on this matter. It is not up to AM Dean to do this. Her job is to enforce the laws and interpret the lease.

Bo Wroten asked Byron Oldham how long he has been on this Board. Byron Oldham said he has been on the Board for about 1 ½ years. Bo Wroten asked Byron Oldham when he found out about this matter. Byron Oldham said he learned about it tonight. Bo Wroten said that is his point – what is this Board here for. Byron Oldham said they are here to solve problems. Bo Wroten said you have to know about the issue before you can solve it.

Mark Crawford asked Michelle Francis if there are any extenuating circumstances she would like to bring to light that caused her to be late on the extension request that he can pass on to his commissioner. Michelle Francis said she understands it was a lease and it is her fault that she did not get it in timely. She is a good tenant. She pays her rent on time and employs six people. She does not know why she had to come here for being only four days late. This is her livelihood.

Byron Oldham said they all want to help. Michelle Francis said that is why she is here. She thought this is where she should start.

Sasha James said he is an employee of Flying Colors. He knows the airport is trying to expand and progress. It is scary that a business can be disrupted for being only four days late on a renewal notice. It send a negative message to the other businesses on the airport.

Bo Wroten said leases are drawn up with an intent to be followed. He understands that. He draws up leases for his tenants, but he is willing to bend a lease if it is for the good of him and his tenant. The lease should allow for some leeway. If there is not another tenant ready to move into this hangar, there is no reason to kick out the current tenant. If there is a prospective tenant this Board needs to know so they can review the terms being offered and advise if they should come in and Flying Colors should leave since they did not live up to the terms of the lease. However, if Flying Colors is a good paying tenant and they add value to the airport there is no reason he would want them to go anywhere.

Byron Oldham said this is a bureaucracy. It is not person-to-person situation and the rules have to be adhered to and followed. He thinks the best way to handle this is to ask for a special recommendation.

Jake Kertz said this Board should make a recommendation to the City Commission explaining what has happened here. It seems the Board wants Flying Colors to stay at the airport. He thinks that is their job.

Steve Barber asked AM Dean what the procedure is to get Flying Colors a variance. He asked if the City Commission has to say something or if a simple vote by the Advisory Board is enough for her to make an exception.

AM Dean said she does not believe it is the Advisory Board's job to be involved in such matters. It has never been in the past. This is a managerial and staff issue. The Board reviews new leases and makes recommendation. It has never been the job of this Board to handle defaults and terminations.

Jake Kertz said there was a situation many years ago where the Board was involved in terminating a lease.

Hans Vosseler said he agrees with the Advisory Board. In principle, the lessor is the City of Leesburg so they make the final decision. The City installed the Board to make recommendations based on their life and aviation experience. If the City does not listen to the Board he would agree with Bo Wroten and question why they are here. He has a lessee he has been trying to kick out for two years. He asked if you have a good tenant, why you would kick them out.

Steve Barber said everyone wants to keep this tenant. If the Board makes a recommendation to the Commission for a variance, the tenant could take that to the City Commission. He asked AM Dean if the Board can do that. Bo Wroten said they can make a motion to make a recommendation to the Commission. That is what their job is. Secretary Pam Hester reiterated that this Board makes recommendations only to the Commission. Bo Wroten said they are not guaranteeing anything.

Steve Barber made a motion to recommend to the City Commission that they consider giving a variance to the 30-day deadline to allow Flying Colors Air Parts to apply for the extension that is part of their lease agreement. Byron Oldham seconded the motion. Chairman Reisman asked the Board if they felt they should talk to their Commissioners first. Bo Wroten said he is going to talk to his Commission. He already has a call in to him. Byron Oldham said it will not hurt to make a recommendation. The motion was approved unanimously.

Chairman Reisman told Michelle Francis that they will speak to their Commissioners and the Commission will direct City staff in the manner they feel appropriate. Michelle Francis asked if this will be on the next City Commission agenda. Secretary Hester said she will prepare the minutes and send them to the Commission. The Commission will read the discussion and see that the Board made a recommendation. It is up to the Commission if they choose to act on it. She will also make sure the City Manager is aware of this issue so he can bring it to their attention. Michelle Francis said she is looking at a deadline of May 30th. Steve Barber said if all things work it will be on the City Commission agenda at the end of the month. Secretary Hester said she cannot say yes or no to that. Chairman Reisman told Michelle Francis that she also has the right to address the City Commission during the public comment part of the meeting. Michelle Francis said she will be at the meeting but is just wondering if it will be on the agenda. Chairman Reisman assured her that the Board members will speak to their Commissioners.

Michelle Francis told the Board she appreciates their help. This was a surprise to her.

There was no other new business.

Adjournment

Chairman Reisman moved to adjourn which was seconded by Steve Barber. The meeting adjourned at 6:00pm.

Chairman

Secretary