

**AVIATION ADVISORY BOARD
Fort Lauderdale Executive Airport
Administrative Office-Multipurpose Room
6000 NW 21 Avenue
Fort Lauderdale, FL
Thursday, March 24, 2005
1:30 p.m. – 3:45 p.m.**

<u>Board Members</u>	<u>Present/Absent</u>	Cumulative Attendance	
		1/1/05 – 12/31/05	
		Present	/ Absent
Tom Newman, Chair	A	1	1
Bunney Brenneman, Vice Chair	P	2	0
Larry Holdridge	A	0	2
John McKaye	P	2	0
John Milledge	P	2	0
Bernie Petreccia	P	2	0
Christopher Pollock	A	1	1
Joseph Scerbo	A	1	1
Steve Stella	P	2	0
Sharon Woods	P	1	1

Airport/City Staff

Clara Bennett, Airport Manager
Mark J. Cervasio, Assistant Airport Manager
Alex Erskine, Airport Operations Supervisor
Fernando Blanco, Acting Airport Engineer
Carlton Harrison, Airport Operations Aide
Paul Sarcione, Airport Programs Aide
Vicki Minard, Assistant City Attorney

Visitors

Richard Ahrens, Ahrens Co./ TGI	James Brady, Crown Land Trust
Don Campion, Banyan Air Service	Guillermo Carabajal, Cav-Air
Greg Celentano, Ahrens/TGI Fridays	John Divine, TGI
Marty Falk, NANA	Bill Garghill, Banyan Air Service
James Goldstein, Crown Land Trust	Tom Gonzales, TGI
John Grasso, Ahrens Co.	Doug Hathorn, Executive Jet
Joan Kuntz, Sheltair	Ron Mastriana, Attorney
Angel Ramos, Reynolds, Smith & Hills	Bonnie Schultz, FAA Tower
Morris Shirazi, Aero Toy Store	Don Whittington, World Jet
Lynda Zur, Aztec Jet Center	

The meeting was called to order at 1:34 p.m. by Vice Chair Brenneman and roll was taken.

1. Approve Minutes of January 27, 2005 Meeting

Motion was made by Mr. Petreccia and seconded by Mr. Milledge to approve the minutes of the January 27, 2005 meeting. Motion passed unanimously.

2. Fort Lauderdale Crown Land Trust, Inc. – Lots 29, 30, 34, and 35 Approval of Conditional Use Zoning

Ms. Bennett explained that Fort Lauderdale Crown Land Trust, Inc. leased Lots 29, 30, 34 and 35 in the Executive Airport Industrial Airpark. The 50-year lease for this property commenced on January 15, 1985 with options to renew for an additional 45 years. The annual rent was \$273,150, subject to Consumer Price Index Adjustments every five years, with the next adjustment due on January 1, 2006. A portion of the property had been improved with the construction of a 110,000 square foot building, located at 1201 W. Cypress Creek Road. Crown planned to further improve the property with the construction of a new 110,000 square foot office building and a four or five-floor parking garage.

Fort Lauderdale Crown had found a prospective tenant, Career Education Corporation, for 32,000 square feet of space at this building. Career Education Corporation provides postsecondary education, focusing on vocational training in various technology fields, including the medical sector.

Ms. Bennett informed the Board that vocational schools were permitted in the Airport Industrial Park (AIP) zoning as conditional uses, requiring City of Fort Lauderdale Design Review Committee (DRC) and Planning and Zoning Board approval. Occupancy by this tenant would not affect the ad valorem taxes generated by the property.

Staff recommended that occupancy by the local subsidiary, Sanford Brown Institute be approved as a conditional use on Lots 29, 30, 34, and 35 leased by Fort Lauderdale Crown Land Trust, Inc.

Mr. James Goldstein, attorney for Crown Land Trust, explained which areas of instruction were offered and informed Mr. Petreccia that there were at most 200 students at one time on the premises.

Motion was made by Mr. Milledge and seconded by Mr. Stella to approve staff recommendations. Motion passed unanimously.

3. Sierra Business Park Proposed Site Plan

Mr. Cervasio explained to the Board that there was an adjacent property owner on the north side of the Executive Airport that had access to the airfield. The property was located at 1200 N.W. 62nd Street (Cypress Creek Road) and was formerly in the Airport inventory as Lots 47, 48 and 49. The property was sold to AID in 1971, granting access to the airfield for the specific purpose of business activities performing modification on government owned aircraft. FAA authorized the sale and issued a Deed of Release based on the fact that they determined that the property was no longer needed for aeronautical services.

In 2003, the property was sold to Cypress Creek Florida LLC, headed by Mr. Tom Gonzales who indicated at the time that the property would be used solely for the storage of and use

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by his personal aircraft. The Airport did not object to this and access to the airfield was allowed to pass to the new owner with the sale of the property provided the use of the property would not be changed to offer any commercial aeronautical services to the public. Cypress Creek Florida LLC submitted plans to the City for a building permit to construct three office buildings on the property with hangars for aircraft storage attached. Aircraft storage hangar rental would be a commercial aeronautical service and was therefore not consistent with the terms allowed by the FAA in the Deed of Release.

Staff recommended that the proposed site plan for Sierra Business Park, located at 1200 NW 62nd Street, not be approved and that the City not issue a building permit for this project as proposed.

Mr. Ron Mastriana, attorney for Mr. Gonzales, distributed brochures for the Sierra Business Park project. He pointed out that there was no deed restriction in the Deed of Release that prevented this use of the property. Mr. Mastriana distributed copies of the deeds on the property and pointed out that the deeds referred to the prohibition of any use that interfered with the operation and maintenance of the Airport. Mr. Mastriana distributed copies of the declaration that pertained to all of the Airport property and said this stated the intention for the various restrictions.

Mr. Milledge asked staff to point out language in the document that was an impediment to this type of development. Mr. Cervasio indicated the FAA's statement in the Deed of Release declaring the property surplus to commercial aeronautical needs. Staff saw hangars and hangar rentals as commercial aeronautical services and these activities were therefore precluded by the Deed of Release. Ms. Bennett noted that the Airport had asserted in its application to the FAA to sell the property that the property was surplus to aeronautical needs. This had enabled the City to sell what had been government property. Mr. Mastriana noted that this was not included in the Deed of Release and that the new owner was only bound by what appeared on the deed.

Ms. Bennett explained to Mr. Petreccia that if the property belonged to the Airport, it would probably be developed at some point as Airport industrial park property because it had Cypress Creek frontage. The back portion could have aviation use, leased by someone with a contractual obligation to the Airport and to the City, paying rent and fuel flowage and abiding by the Airport's Minimum Standards and Regulations. She explained that the use proposed by Mr. Mastriana was similar to this but the project had no contractual obligations to comply with any Airport rules or Minimum Standards and did not pay to maintain, improve, operate and develop the Airport as Airport tenants did. Mr. Gonzales stated that he intended to keep the property after it was developed. He pointed out that he paid a "tremendous amount" in property taxes.

Mr. Milledge felt the issues staff raised could be worked out and confirmed with Mr. Mastriana that Mr. Gonzales would work with the staff.

In response to Mr. Mastriana's comments regarding property tax, Ms. Bennett explained that the Airport was a self-sustaining entity; even though it paid the City certain fees, it did not benefit from the City's general fund. Therefore, any taxes paid on Mr. Gonzales' property would not benefit the Airport.

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Ms. Bennett referred to the application sent to the FAA when the Airport wanted to sell the property and clarified that the quitclaim deed was how the property was conveyed to the City in 1947 for use as a public airport. When the Airport sold this land, they told the FAA that the land was no longer needed for use as aviation property. The staff was concerned that allowing for commercial aeronautical services to the public was not in keeping with what the City told the FAA when the FAA permitted it to sell the land. Mr. Mastriana insisted that the Deed of Release mentioned no prohibition on commercial aviation use of the property.

Ms. Vicki Minard, Assistant City Attorney, stated that the City Attorney's office supported the Airport staff recommendations.

Mr. Gonzales insisted that he was never notified verbally or in writing that there were any restrictions on the use of the property. Ms. Bennett stated that in 1993, the file on the property, including staff correspondence relating to use restrictions for the property, was given to John Divine of Mr. Gonzales' staff. She clarified that when the property was sold to Mr. Gonzales, staff had provided, in writing, a letter describing uses they would object to based on the FAA's description of commercial aeronautical uses.

Mr. Don Campion, Banyan Air Service, stated that he concurred with the staff recommendation. His company had the challenge of running a business while complying with the Airport's Minimum Standards and paying rent, and fuel flowage fees. Mr. Gonzales' project would be able to take advantage of improvements at the Airport paid for by the existing tenants without contributing.

Mr. Don Whittington, World Jet, felt that if staff and the City Attorney were against the deal, the Board should be against it as well. He also felt that this project would have an unfair advantage over those businesses operating with leases.

Mr. Mastriana said they were willing to sit down with the City and discuss funneling some of the project's property taxes to the Airport. He stated that they were concerned about security and tower operation as well and perhaps they could help out with these.

Mr. Milledge felt the City Attorney should attend the meeting next month to give an opinion on whether an agreement by the project owners to comply with Minimum Standards and deal with security and noise issues would allow the use to comply with the FAA restrictions. In the meantime, Mr. Gonzales could discuss options with staff for dealing with these issues.

Motion was made by Mr. Milledge and seconded by Mr. Stella to defer this item to the next meeting to hear the City Attorney's opinion on whether agreement by the property owner to comply with Minimum Standards and deal with security and noise issues would satisfy the FAA restrictions. Motion passed unanimously.

4. Joint Participation Agreement with Florida Department of Transportation for Relocation of Taxiway Alpha Design

Mr. Cervasio explained that Runway 8/26 had three full-length parallel taxiways: Taxiway Foxtrot on the north side of the runway and Taxiways Alpha and Echo on the south side. The current FAA approved Airport Layout Plan had Adaptation to Standard No. 1 dated October 1984 to allow the non-standard 305' separation of Taxiway Foxtrot with no

operational restrictions on the use of the taxiway. The Airport Layout Plan also had Adaptation to Standard No. 2 dated October 1996, which stated: "Reduce Taxiway Alpha separation to 250'. Close Taxiway Alpha west of Taxiway Bravo when ceiling is below 800 and visibility minimums are less than two miles."

Mr. Cervasio continued that as part of the Runway 8/26 Rehabilitation project, the FAA required that a Runway Safety Area Analysis be provided identifying a means to alleviate the non-standard nature of Taxiway Alpha, and removing the operational restrictions before they would obligate federal grant money for the runway project. This analysis had been prepared by Kimley-Horn and Associates, which referenced Adaptation to Standard No. 2 on the Airport Layout Plan and identified what could be done to improve the situation. They had identified two alternatives: remove the taxiway or relocate Taxiway Alpha 90' to the south.

Representatives from the FAA, Florida Department of Transportation, Airport staff and members of the KHA team conducted an evaluation of the utility of Taxiway Alpha, the possible corrective actions, and the costs. It was determined that the relocation of the taxiway 90' to the south would provide the most utility of the pavement providing the best return for the dollars expended.

The current cost estimate for this project was \$5,550,162 with an estimated design cost of \$550,162. The FAA had indicated they could probably fund a phased approach and noted that they might have grant money available to fund the design portion of the project in the current fiscal year and construction phases through subsequent fiscal years. In response to this, FDOT had initiated a Joint Participation Agreement in the amount of \$13,754 to cover 2.5% of the remaining 5% of the costs associated with the design phase of this project. Mr. Cervasio pointed out that \$8,750 would have to be transferred from Airport's infrastructure and improvements fund to cover the other 2.5% of the design costs.

Staff recommended that the Joint Participation Agreement be approved for the City to accept \$13,754 up to 2.5% of the costs for the design of the relocation of Taxiway Alpha and that the City submit a Grant Application to the FAA for up to 95% of the design costs associated with the design of the relocation of Taxiway Alpha and accept that grant when offered.

Motion was made by Mr. Petreccia and seconded by Mr. Milledge to approve staff recommendations, with \$ 8,750 coming from Airport's infrastructure and improvements fund to cover the remaining design costs. Motion passed unanimously.

5. Joint Participation Agreement with Florida Department of Transportation for Runway 13/31 Rehabilitation Design

Mr. Cervasio explained that Runway 13/31 was originally constructed as part of the Naval facility in 1942. In 1968, a one-inch asphalt concrete overlay was added and in 1978, it was rehabilitated with a three-inch asphalt concrete overlay. An evaluation of Runway 13/31 was performed during the Runway 8/26 rehabilitation project and it was determined that Runway 13/31 had deteriorated and was in need of rehabilitation.

The current cost estimate for this project was \$300,000 for design and \$1,700,000 for construction. The FAA stated that they may have grant money available to fund the design of the project in the current fiscal year, with construction in the following fiscal year.

In anticipation of FAA funding availability, the Florida Department of Transportation had initiated a Joint Participation Agreement in the amount of \$7,500 to cover 2.5% of the cost associated with the project, for a total design cost of \$300,000.

Staff recommended that the Joint Participation Agreement be approved for the City to accept \$7,500, up to 2.5% of the design costs for the Pavement Rehabilitation of Runway 13/31, and that the City submit a Grant Application to the FAA for up to 95% of the costs associated with the Design of the Pavement Rehabilitation of Runway 13/31 and that the City accept the grant when offered.

Mr. Stella asked why design costs were so high. Mr. Fernando Blanco, Acting Airport Engineer, explained that the \$300,000 included design and engineering staff, geotechnical testing and environmental services. Actual design costs from Kimley-Horn were \$230,000.

Motion was made by Mr. Milledge and seconded by Mr. Stella to approve staff recommendations. Motion passed unanimously.

6. Joint Participation Agreement with Florida Department of Transportation for Installation of Blast Fence

Mr. Cervasio explained that Airport staff had recognized a potential maintenance issue arising from the use of the centerfield run-up area to conduct jet engine run-ups. Staff had therefore included a project in the Executive Airport's Capital Improvement Plan for Fiscal Year 2004/2005 to construct a blast fence around the run-up pad. Mr. Cervasio pointed out the area on an Airport photograph.

The initial cost estimate for this project was \$150,000. The Florida Department of Transportation had initiated a Joint Participation Agreement in the amount of \$120,000 to provide grant funding for up to 80% of the project cost.

Staff recommended that the Joint Participation Agreement be approved for the City to accept \$120,000 from the FDOT for up to 80% of the project cost to design a blast fence.

Motion was made by Mr. Stella and seconded by Mr. Petreccia to approve staff recommendations. Motion passed unanimously.

7. Joint Participation Agreement with Florida Department of Transportation for Airport Signage

Mr. Cervasio informed the Board that as part of their general services contract with the Executive Airport, Kimley-Horn and Associates, Inc. had prepared a wayfinding study to evaluate the landside signage around Executive Airport and had then developed a signage program for the Airport.

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A preliminary estimate for the design and construction of the landside signage program was \$760,000. The Florida Department of Transportation had initiated a Joint Participation Agreement in the amount of \$608,000 representing 80% of the project costs.

Staff recommended that the Joint Participation Agreement be approved for the City to accept \$608,000 from the FDOT for up to 80% of the project costs to design and construct landside signage to provide a wayfinding program around the Executive Airport.

Mr. Cervasio displayed Kimely-Horn design concepts for the Board. Ms. Bennett noted that workshops would be held to encourage input from tenants for the actual design and content.

Motion was made by Mr. Milledge and seconded by Mr. Petreccia to approve staff recommendations. Motion passed unanimously.

Update Items

A. Noise Compatibility Program

Mr. Paul Sarcione, Airport Programs Aide, reported that Airport staff was constantly in contact with pilots informing them of Executive Airport's Noise Abatement Program. Staff had recently received a commitment from a large operator to re-educate all their pilots on the noise abatement procedures. The majority of operators contacted did reduce noise levels on their departures.

Mr. Sarcione continued that the implementation of the nighttime I-95 turn had shown a decrease in straight-out departures. Only two nighttime straight-out jet departures had occurred in February 2005, compared to 25 in February 2004 during the hours 10 p.m. – 7 a.m., which was before the implementation of the nighttime I-95 turn.

Mr. Milledge asked if the Airport received many complaints about non-jet aircraft. Mr. Sarcione noted that crop aircraft were the subject of some complaints, as well as helicopters.

Noise Program Statistics Summary:

	Jan 05	Feb 05
Runway 08 Departures	784	679
Total I-95 Turns	632	559
% I-95 Turns	81%	82%
Noise Events at Monitor #1	244	205
Noise Events at Monitor #2	92	63
Jet Events over 80 dB at Monitor #1	63	53
Jet Events over 80 dB at Monitor #2	18	13
Runway 26 Departures	348	312
Citizen Reports	623	878
Concerned Citizens	76	107
Average Lmax per Event**	76.5	76.8

B. Federal Issues: Additional U.S. Customs Services and Construction of New Air Traffic Control Tower

Additional Hours U.S. Customs Services:

Mr. Cervasio reported that the Fort Lauderdale Executive Airport Users' Association had requested that Airport staff assist them with efforts to obtain additional U.S. Customs service. According to the U.S. Customs Service, Fort Lauderdale Executive Airport was the second busiest general aviation Customs facility in the country, with Fort Lauderdale-Hollywood International listed as the busiest.

After 5:00 p.m., aircraft arriving from outside the United States destined for Executive Airport must divert to another airport, usually Fort Lauderdale-Hollywood International, in order to clear U.S. Customs, and then fly back to Executive. This resulted in operational, environmental, and noise impacts.

Requests for additional service at Executive Airport by the Airport users over the last several years had not been approved by U.S. Customs, citing operational constraints and insufficient resources to add service at any facility. However, the U.S. Customs Facility at Opa Locka Airport, with only 35% of the activity of Fort Lauderdale Executive Airport, had recently obtained additional service. Although it is unclear how this was accomplished, it is believed that Congressional Representatives from that area assisted in this effort.

New Air Traffic Control Tower:

The existing FAA Air Traffic Control Tower at Executive Airport was built in 1972. The structure is now 13 years past its useful life. Airport staff worked with Federal Aviation Administration representatives to locate a site for a new tower as part of their design efforts and plans were completed in 1998. At that time, the FAA stated that Executive Airport would get the next tower to be constructed after the completion of the new tower in Birmingham, Alabama. This never occurred due to the FAA's requirement to construct new "congressionally mandated" control towers in other communities. As a result, Executive Airport had slipped to approximately 38th on the current FAA list for new towers.

Mr. Cervasio pointed out that the existing tower was woefully inadequate; it was too small, too short, and did not meet the FAA's own requirements. The low floor height of the Tower cab precludes controllers from being able to view the entire Airport. Conditions would certainly worsen as redevelopment of aging facilities occurred and would also impede redevelopment and improvements.

Mr. Cervasio stated that staff intended to seek the participation of all elected officials at the local, state, and federal levels to obtain the increase in the level of U.S. Customs service and to raise the priority of the construction of a new Air Traffic Control tower at Fort Lauderdale Executive Airport.

Mr. Cervasio informed the Board that since his memo was written, the Airport had been contacted by Doug Molin from the FAA Tactical Operations Division and by the Vice President of an airline operating out of Fort Lauderdale-Hollywood International Airport. The FAA and airlines were apparently noticing the impact from general aviation traffic using that airport to clear customs.

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Mr. Milledge felt the Board should recommend that the City Commission make a resolution to Congressman Alcee Hastings for him to place these two items on his priority list of items requiring congressional action.

Ms. Bennett stated that they had prepared a similar update memo to the City Commission to let them know they intended to pursue this and that they had spoken with a couple of elected officials individually. In fact, one of the tenants had coordinated a meeting and invited Mr. Clarence Jackson, a representative for Congressman Hastings, and Peggy Kaiser, a representative of Representative Clay Shaw. Mr. Jackson had not attended, but Ms. Kaiser had and she asked staff to put forth a letter stating what they wanted. In order to do that, staff must obtain approval from the City Commission.

Mr. Cervasio asked the Board to allow him to research all of the actions staff had already taken before they made this recommendation to the City Commission. He agreed to do this and report back to the Board at the next meeting. Mr. Milledge stated that the motion was predicated on the fact that there was no existing resolution from the City Commission on this subject.

Motion was made by Mr. Milledge and seconded by Mr. Stella to recommend to the City Commission that Congressman Hastings and Representative Clay Shaw assist Fort Lauderdale in supporting these two projects. In the event that the City Commission had already taken a position, a new resolution would not be necessary. Board unanimously approved.

C. City of North Lauderdale - Imperial Estates Redevelopment

Mr. Erskine reported that staff had received inquiries from consultants regarding proposed redevelopment of Imperial Estates Mobile Home Community into over 250 town home units, which would double the density of the property.

This property was located directly under the extended centerline of the main runway at Fort Lauderdale Executive Airport. Although the parcel was outside the DNL 65 decibel Day-Night Average Sound Level contour, it was subject to constant over flight and noise and staff was extremely concerned about the property being changed to a denser residential land use.

Staff intended to contact the City of North Lauderdale planning staff and stay apprised of any developments with regard to this property. They would also work with the City's Planning Department to object to changes to the proposed land use that would include dense residential uses of the property.

Mr. Sarcione confirmed that noise complaints were occasionally received from the mobile home park currently located on the property. Ms. Bennett noted that new residents might be unaware of the proximity to the Airport until they moved in. She reminded the Board of property to the south of the Airport that had been redeveloped. Staff had worked with the applicant to incorporate acoustical treatment into the construction of the homes and to require disclosure. This same approach could be used with this property. Mr. Milledge advised Ms. Bennett to determine what County approvals were needed; this would be the best leverage for offering input. They might also consider meeting with the Broward County

Planning Council staff to discuss long-range planning efforts to potentially limit raising the residential density near the Airport.

D. Development and Construction

Mr. Carlton Harrison, Airport Operations Aide, reported that the Airport has scheduled an Airport Security Meeting at the Airport Administration Building on March 30, 2005 at 11:00 a.m. The meeting was intended to discuss plans to establish an Airport Security Group. Agenda topics included:

- An introduction to the Airport's Watch Program
- Transportation Security Administration recommendations
- Security expectations of tenants
- Airport security recommendations
- TSA reporting guidelines
- Crime statistics around the Airport
- Access control assessment of the Airport
- General security concerns.

Mr. Stella asked about crime since the fence was installed; Mr. Erskine reported that a headset was stolen from a plane on the south side of the Airport. Staff believed that some of the "thefts" were likely disputes between parties.

E. Arrearages

There were no arrearages to report.

Ms. Brenneman commended Mr. Campion and Banyan Air on the success of "Fly Day" on February 29th.

Mr. Cervasio announced that Mr. Noland from the FAA Tactical Operations Division informed him that they were setting up a customer workshop at Fort Lauderdale International on March 30 from noon until 4 p.m. Executive staff had been invited to attend and give a briefing on major improvements at FXE and plans for the next 24 to 36 months. Ms. Brenneman asked Mr. Cervasio to email Board members of the event's exact location when he was made aware of it.

There being no further business before the Board, the meeting adjourned at 3:45 p.m.

Bunney Brenneman, Vice Chair

PLEASE NOTE:

If any persons decide to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.