

AVIATION ADVISORY BOARD
Fort Lauderdale Executive Airport
Administrative Office-Multipurpose Room
6000 NW 21 Avenue
Fort Lauderdale, FL
Thursday, September 1, 2005
1:30 p.m. – 2:56 p.m.

<u>Board Members</u>	<u>Present/Absent</u>	<u>Cumulative Attendance</u> 1/1/05 – 12/31/05	
		<u>Present</u>	<u>Absent</u>
William Aston	P	1	0
Bunney Brenneman, Chair	P	4	0
Robert Iversen	P	1	0
Cynthia McDonald	P	1	0
John McKaye	P	5	0
John Milledge	P	4	0
Bernie Petreccia, Vice Chair	P	4	0
Christopher Pollock	P	3	2
Joseph Scerbo	P	2	2
Steve Stella	P	4	0
Sharon Woods	P	4	1

Airport/City Staff

Clara Bennett, Airport Manager
Mark J. Cervasio, Assistant Airport Manager
Alex Erskine, Airport Operations Supervisor
Rufus James, Airport Operations Aide
Florence Deardorff, Operations Aide
Vicki Minard, Assistant City Attorney
Bonnie Schultz, Manager, FXE ATCT
Bruce Larkin, Director of Business Enterprises
Fernando Blanco, Acting Airport Engineer

Visitors

Joan Kuntz, Sheltair
Don Champion, Banyan Air

The meeting was called to order at 1:32 p.m. by Vice Chair Brenneman and roll was taken.

Vice Chair Brenneman announced that Chair Newman had reached his term limit and was therefore no longer on the Board. She noted that he had "served us well and faithfully." She then asked the new Board members to introduce themselves.

Mr. Aston stated he was a former Navy aviator who was now retired and has been a resident of South Florida for 12 years. He said his expertise was in aviation matters and helicopters. Mr. Aston stated he admired what he had seen during his introduction and thought FXE was a jewel the community should polish.

Mr. Iversen stated he had worked for TWA and helped set up and run Laker Air in the U.S. He had also been COO of Air France in Paris and had much experience around the world dealing with airport noise restrictions and different aircraft types. He was presently involved in the pharmaceutical business.

Ms. McDonald explained that she is a guidance director at Arthur Ashe Middle School and the daughter of an Air Force pilot.

1. Approve Minutes of June 23, 2005 Special Meeting

Motion was made by Mr. Scerbo and seconded by Ms. Woods to approve the minutes of the June 23, 2005 meeting. In a voice vote, the motion passed unanimously.

2. Election of Chair and Vice Chair

Mr. Pollock nominated Vice Chair Brenneman for Chair, seconded by Mr. Petreccia. Board unanimously approved.

Mr. Pollock nominated Mr. Petreccia for Vice Chair, seconded by Mr. Scerbo. Board unanimously approved.

3. FAA Air Traffic Control Tower Reimbursable Agreement

Ms. Bennett explained that since 1990, the City had entered into Reimbursable Agreements with the Federal Aviation Administration (FAA) for the Air Traffic Control Tower at Executive Airport to operate under a 24-hour tower. The Airport also reimbursed the FAA for the costs associated with the overnight operation. Executive Airport's nighttime noise abatement procedures had been expanded to include the "I-95 Turn", the closure of Runway 13/31, voluntary training and run-up restrictions, in addition to the preferential use of Runway 26. The operation of the Tower at night has also enhanced the safety of Airport operations.

Ms. Bennett informed the Board that the FAA required the City to enter into a Reimbursable Agreement in which the Airport paid compensation and benefits for the air traffic controllers' six additional hours of nighttime service. The Airport was also required to pay an administrative overhead cost associated with the service of 26%.

Ms. Bennett noted that the current agreement covered fiscal year 2001 through 2005, but the FAA had indicated that it would no longer execute five-year agreements. It was therefore necessary for the City and the FAA to enter into a new agreement to cover fiscal

year 2006, after which the agreement would be executed annually. The estimated cost for the current year was \$242,414.00; the actual reimbursable amount totaled \$200,324.86. The estimated cost for the next fiscal year, based on current average controller compensation, was \$220,318.27. The agreement required the FAA to notify the City if actual costs were expected to exceed the estimate by more than 10%.

Ms. Bennett stated that this program was essential in order for the Airport and the FAA to implement the recommended nighttime noise abatement procedures, which significantly reduced noise over residential areas during sensitive nighttime hours.

Staff Recommendation: Approval of the FAA Reimbursable Agreement with the FAA to continue the program that provided 24-hour FAA Air Traffic Control Service at Fort Lauderdale Executive Airport at an estimated cost of \$220,318.27 for Fiscal Year 2006.

Mr. Iversen asked if the costs often exceeded the estimate by the 10% threshold that would require FAA notification. Ms. Bennett replied that in the last five years, the estimate had not been exceeded.

Mr. Scerbo asked who controlled the amount of labor at the tower. Ms. Schultz explained that all employees took turns rotating through the midnight shift and therefore different salaries were paid. Mr. Scerbo asked if there was any limit on total costs. Ms. Bennett stated they had the option to cancel within 30 days if they realized there would be a significant shortfall that would not be covered by their operating budget, but they did not anticipate this would occur.

Mr. Petreccia asked how the estimates were determined. Ms. Bennett explained that the base compensations plus benefits were averaged and multiplied by 42 hours per week. A modest amount of overtime and the 26% administrative overhead fee was added to this figure for the total.

Motion was made by Vice Chair Petreccia and seconded by Mr. Milledge to approve the staff recommendation. In a voice vote, motion passed unanimously.

4. JPA – Replacement of the Aircraft Rescue and Fire Fighting Vehicle

Mr. Cervasio stated that FXE's Oshkosh T-1500 Aircraft Rescue and Fire Fighting (ARFF) vehicle was built in 1993 and put in service in 1994 with an estimated life cycle of 12 years. FXE purchased the vehicle for \$340,000 with the assistance of the Florida Department of Transportation (FDOT) through a Joint Participation Agreement (JPA) for 50% of the cost. When the vehicle was put into service, a monthly transfer from the Airport fund to the Fleet fund replacement reserve began; the balance of that account was now approximately \$360,000.

Mr. Cervasio explained that FXE was not required to have ARFF service on the field because there was no scheduled airline service, but staff wanted to maintain this service at FXE as a benefit to users of the Airport and in the interest of safety.

Mr. Cervasio informed the Board that the estimated replacement cost of the vehicle was \$720,000. Total FDOT participation would be up to \$360,000 and would be funded over the next two years at \$180,000 per year. Staff would develop a set of specifications to be put out for competitive bid.

Staff Recommendation: Approval of the JPA for the City to accept up to \$360,000 from the FDOT for 50% of the cost to acquire a new ARFF vehicle.

Mr. Pollock asked what would happen to the old truck; Mr. Cervasio answered that the older vehicle would be maintained as a spare. Mr. Aston asked how many sources there were for such vehicles. Mr. Cervasio remembered from the previous bidding that there were three companies who could provide such vehicles. Mr. Aston asked if there was a sense of urgency to purchase due to increasing costs. Mr. Cervasio noted that they had already built an additional inflation amount into the estimate, realizing that the bidding and financing would take some time. Ms. Bennett added that the present vehicle was still serviceable, so there was no urgency to replace it because it could no longer be used.

Motion was made by Mr. Milledge and seconded by Mr. Pollock to approve the staff recommendation. In a voice vote, motion passed unanimously.

5. JPA – Rehabilitation of the Airfield Pavement Markings

Mr. Cervasio reported that as part of the airport staff's ongoing maintenance effort, airfield pavement markings were to be rehabilitated. This project would include taxiway sidelines/centerlines, hold-short bars at the runway entrances, surface-painted taxiway guidance signs and special markings put down as part of the Runway Safety Program.

Mr. Cervasio stated that the initial cost estimate for this project was \$100,000 and FDOT had initiated a JPA in the amount of \$80,000 to provide grant funding for up to 80% of the project cost. The airport's share of this cost would come from the approved Capital Improvement Plan.

Staff Recommendation: Approval of the JPA for the City to accept \$80,000 from the FDOT for up to 80% of the project cost to rehabilitate the airfield pavement markings.

Motion was made by Mr. Scerbo and seconded by Vice Chair Petreccia to approve the staff recommendation. In a voice vote, motion passed unanimously.

6. Helistop Spaceframe and Western Stairwell Painting – Contract Award

Mr. Blanco explained that this project entailed painting the fireproofing material on the spaceframe supports and the western staircase of the Downtown Helistop, which had shown some deterioration. There were no structural concerns in regard to either the spaceframe

supports or the stairs, but they were in need of some maintenance/corrective action in order to extend their service life.

Mr. Blanco reported that the City Engineering Department had requested bid submittals on two previous occasions for this project. No bids were received for either advertisement and the project was re-bid for a third time on August 3, 2005. The bids were opened on August 17, 2005 and only one bid was received, from VIP Painting, Inc., of Coral Springs, Florida, in the amount of \$32,000. During staff review, a discrepancy was found that had required an adjustment of the bid for a revised bid amount of \$33,500. This amount was approximately 15.0% above the project estimate of \$29,000.

Mr. Blanco stated that staff felt that further advertising would not yield a greater number of interested bidders. They had reviewed the references submitted by VIP Painting, Inc. and found the reference checks to be satisfactory.

Mr. Blanco announced that funding for this project was available from project P9292-Downtown Helistop in the amount of \$33,500.

Staff Recommendation: Award the contract for painting of the spaceframe supports and western staircase to VIP Painting, Inc., in the amount of \$33,500, and recommend the contract to the City Commission, subject to review and approval by the Board.

Mr. Pollock made certain with Mr. Blanco that this project included thorough prep work to be sure the paint did not deteriorate.

Ms. Woods wondered why so few bids were received and Mr. Blanco explained that there just had not been a lot of interest in the job. Mr. Blanco confirmed for Mr. Pollock that there was a 10-year warranty on the job.

Mr. Iversen cautioned staff to check the contractor's references and to perform diligent oversight of the project. Mr. Blanco assured him that a City inspector would be on site to oversee the project.

Mr. Aston wanted the Board to take a careful look at the safety and fire response factors at the helistop.

Motion was made by Mr. Milledge and seconded by Mr. Stella to approve the staff recommendation. In a voice vote, motion passed unanimously.

Update Items

A. Noise Compatibility Program

Ms. Deardorff reported the following points regarding FXE's noise compatibility program:

The Miami Herald Article:

Ms. Deardorff informed the Board that as a follow-up to the July 10th, 2005 story, "*Airport, Neighbors at Odds*", in the Sunday August 7th edition, the Miami Herald printed the airport's response entitled "*Executive Airport has Reduced Jet Noise*", which clarified certain points and showed how FXE had worked in a cooperative effort with residents, businesses, users, and the FAA over two decades to reduce aircraft noise.

PASSUR Portal Pulse & Mode-S:

Ms. Deardorff announced that the City Commission had approved the one-year contract with Megadata for the PASSUR Portal Pulse & Mode-S service. This service was useful in supplying the Airport Operations Office with accurate information about aircraft inbound to U.S. Customs & Border Protection after 5:00 p.m. and their final destination.

Flight Track Requests

Ms. Deardorff stated that Florida Jet had recently retrofitted their Gulfstream III jet with engine hush-kits. They had requested flight tracks of the Gulfstream III for the entire Month of May and continued requesting tracks throughout June. Florida Jet used these flight tracks to help adjust their departure procedures to reduce noise levels.

Noise Program Statistics:

Ms. Deardorff then explained the charts included in the Board's packet that summarized the noise program data for June 2005 and July 2005. Ms. Bennett distributed a correction for one of the sheets.

Chair Brenneman commended Ms. Bennett for the letter to the Miami Herald. Ms. Bennett pointed out that Chaz Adams at the Public Information Office had helped draft the letter.

Mr. Iversen asked Ms. Bennett to summarize where the Board and City stood in regard to the Part 161 study. If they were indeed considering a Part 161 study, Mr. Iversen wanted to know what they would focus on, and if any meetings had been conducted or any budget had been committed to the study. Mr. Iversen said after being briefed, he would like to make suggestions based on comments he had received from the community and then make some proposals.

Ms. Bennett stated that when they had gone through the Part 150 study, there was discussion of whether it would be appropriate for Fort Lauderdale to initiate a Part 161 process. She explained that the Airport Noise and Capacity Act was developed in 1990 and called for the phase-out of older, noisier aircraft weighing over 75,000 pounds. Part 161 was created to limit municipalities' ability to impose new noise and access restrictions to lessen the economic impact of the Act on the aviation industry.

Ms. Bennett explained that the process was " a very substantial, cumbersome, and comprehensive cost-benefit analysis." It was so cumbersome that only one airport, Naples, had managed to have a Part 161 study approved and a new ban approved. They were ultimately held in non-compliance. The FAA found that their ban on stage 2 aircraft was

“discriminatory and arbitrary”, and Ms. Bennett explained that airports such as FXE were not allowed to have rules that were discriminatory or arbitrary. As of the last Federal Court of Appeals decision, the FAA was told that the Naples decision was not discriminatory and would therefore stand and they would be found in compliance. The FAA and aviation industry groups had decided to end the fight there and Naples prevailed.

Ms. Bennett further explained that in Fort Lauderdale’s Part 150 study, noise mitigation and land use controls measures were both considered. At the time, the Naples decision was still unresolved and the City thought it would be premature to initiate a costly, arduous and difficult Part 161 process. The City had therefore included a reference to a Part 161 process in the Part 150 study and moved forward with operational approaches to noise issues and exhaust all of those options before embarking on a legislative approach. The Part 150 study stated that they would move forward with the Part 150 study, gain FAA support for the I95 turn, and reduce the number of citizens within the 65 DNL contour. If the goals were not achieved, the City Commission could instruct FXE staff to explore a Part 161 process.

Ms. Bennett stated that there was a line item in their CIP program budget for a Part 161 study, should the City direct them to conduct one. Ms. Bennett felt the amount currently allotted would only get them a scope as consultants had informed her that costs for a Part 161 study could be approximately \$1.5 million for consulting fees and attorney fees would probably exceed that.

Mr. Iversen said he believed the time had come to begin a Part 161 study. He felt the amount budgeted so far would get them started, as the process would take some time. He felt the Board and community should define the scope of the study. Mr. Iversen believed that aircraft routing was specifically excluded from Part 161, but there were parts that defined noise and access restriction. In those noise and access restrictions, it defined single-event entities, stage –1 and stage-2 aircraft and curfews. Mr. Iversen felt that in the interest of the community and moving forward, they must look at formalizing mandatory stage-1 and stage-2 restrictions, what type of single-event restrictions should be placed on stage-3 aircraft, and putting a curfew on the airport, with specific curfew times to be discussed.

He felt the Board should recommend to the City Commission that they begin a Part 161 study, incorporating the suggestions of the community and the Board for their parameters. He felt they should begin “as soon as possible and get some consultants in here and spend a hundred or two hundred thousand dollars and get them to start making recommendations because this time just keeps tracking on.”

Mr. Milledge asked Ms. Bennett what additional things were upheld by the Naples Part 161 study so he could distinguish what the airport could potentially do under that process. Ms. Bennett said there were two critical things determined by the Naples study for an airport like FXE. The first was that there was no boilerplate resulting from the Naples decision. Each noise issue at each airport had different issues associated with it. The second was that under Part 161, even though the law allowed a cut and dried process for Stage-2 aircraft restriction, the way this was interpreted and implemented was that the airport still had a responsibility to ensure that even though they were complying with Part 161, they still must comply with the grant assurances and not be arbitrary and discriminatory.

Ms. Bennett explained the progression of Stage-1 and 2 bans at Naples, which started as nighttime bans and were expanded to 24-hour bans. They also had their own voluntary procedures. Mr. Pollock asked how many Stage-1 and 2 jets FXE had. Ms. Bennett referred to a chart depicting the total operation by type of aircraft. In July, 10% of all departures were by Stage-2 aircraft, a total of 64, an average of 2 per day. Only 1%, or 5 departures, were determined to be Stage-1. Ms. Bennett noted that Stage-2 aircraft were going away at the rate of approximately 3% per year, mostly because of increased fuel and maintenance costs and FAA equipment requirements.

Don Champion of Banyan Air noted that air ambulance operators were the biggest users of the Lear 20 series stage-2 jets. Ms. Bennett noted that the Naples ban excluded emergency and government-operated aircraft.

Mr. Iversen asked Ms. Bennett what airports in the United States had curfews. Ms. Bennett offered to bring specific data to the Board for the next meeting, but knew that several of these were in California. She noted that any airport that had a curfew must have had it prior to 1991 and had it grandfathered in. Ms. Bennett said that Palm Beach airport charged an "environmental impact fee" of \$2,600 for nighttime use by aircraft that were not stage-3.

Mr. Iversen stated that Part 161 defined curfews and wanted to "get moving on this." Mr. Iversen felt that a curfew would not have a significant cost impact on the airport at all and felt it would be of great interest to the community.

Motion was made by Mr. Iversen to recommend to the City Commission that consultants be engaged to identify the parameters and requirements for a Part 161. Motion died for lack of a second.

B. U.S. Customs Extended Hours of Service

Mr. Cervasio reminded the Board that the U.S. Customs and Border Protection Services had extended the hours of service at their facility at FXE for a 120-day test period beginning June 27, 2005. For the first 30-day period they had seen a great deal of Customs activity between 5:00 and 9:00 p.m. Current data showed that 278 aircraft and 1,059 passengers had cleared Customs at FXE after 5:00 p.m., which represented an average of nine to ten aircraft per day. This level of usage was closely in line with Broward County's projections for the number of aircraft that would be relieved from Fort Lauderdale Hollywood International Airport (FLL) with the extended U.S. Customs service at FXE. In addition, approximately 90 percent of the aircraft clearing Customs at FXE between 5:00 and 9:00 p.m. remained at FXE. This confirmed staff's belief that aircraft with FXE as their intended destination were being forced to clear Customs at FLL after 5:00 p.m.

Mr. Cervasio announced that on August 3, 2005, staff had a very productive meeting with Ruby Hogan from the Port Everglades U.S. Customs and Border Protection Service and her staff. The meeting provided an opportunity to review the progress of the test, identify what has been done to make the transition as smooth as possible, and discuss any measures that may be taken to ensure the success of this program on a long-term basis. They also

discussed strategies to help prepare for the additional activity anticipated in the upcoming busy time of year.

Mr. Cervasio expressed appreciation and commended Ms. Hogan and her staff for their assistance and support in providing this much-needed service at FXE.

Mr. Pollock asked if they needed to keep the pressure on to be sure that Customs did not just cease the additional service after the test period was over. Mr. Cervasio felt that they could now use the information gathered in the 120-day test period to pressure officials to not only maintain the service, but also to find additional funding.

Mr. Iversen felt that the community was concerned that the additional Customs hours would lead to an increase in traffic into FXE but he stated that he agreed with the concept that these aircraft should fly directly home rather than diverting to another airport. Mr. Iversen wondered about the statistic in the report indicating that 10% of the planes using Customs services during the extended hours were not based at FXE. He wanted to know specifically why these planes were using FXE and felt these statistics should be carefully tracked. Mr. Iversen stated that some members of the community were concerned that this might lead to further extending Customs hours to midnight.

C. Development and Construction

Airport Projects In Development

Fiber Optic Communications System Project

Mr. James announced that on April 25, 2005, HyPower, Inc. had commenced work on an underground fiber optic cable project that would allow access control to be conducted from the Airport Administration Building. The project was in its final stages with all fiber connections and access control systems installed. The system would undergo a 30-day testing period along with staff training, site clean up, and the development of a final punch list.

D. Arrearages

There were no arrearages to report.

Other items of interest

Mr. Pollock announced that the County was filing a lawsuit against FLL for use of the crosswind runway. He informed the Board that FLL was holding a noise abatement committee meeting on September 12 at 6 p.m. at the Terminal 4 administration building.

Ms. Bennett described the damage and power disturbances FXE experienced after Hurricane Katrina.

Mr. Petreccia remarked that he and Mr. Pollock had shown up at the June plane accident and Mr. Petreccia wanted to be sure that the pilot and Fire Department were commended for their handling of the situation.

There being no further business before the Board, the meeting adjourned at 2: 56 p.m.

Bunney Brenneman, Chairman

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.