

**AVIATION ADVISORY BOARD**  
**Fort Lauderdale Executive Airport**  
**Administrative Office-Multipurpose Room**  
**6000 NW 21 Avenue**  
**Fort Lauderdale, FL**  
**Wednesday, November 16, 2005**  
**1:30 p.m. – 3:40 p.m.**

<u>Board Members</u>	<u>Present/Absent</u>	<u>Cumulative Attendance</u>	
		<u>1/1/05 – 12/31/05</u>	
		<u>Present</u>	<u>Absent</u>
1 William Aston	P	3	0
2 Bunney Brenneman, Chair	P	7	0
3 Robert Iversen	P	3	0
4 Cynthia McDonald	P	3	0
5 John McKaye	P	6	1
6 John Milledge	P	6	1
7 Bernie Petreccia, Vice Chair	P	7	0
8 Christopher Pollock	P	6	1
9 Joseph Scerbo	P	5	2
10 Steve Stella	P	7	0
11 Sharon Woods	P	6	1

Airport/City Staff

Clara Bennett, Airport Manager  
Mark J. Cervasio, Assistant Airport Manager  
Alex Erskine, Assistant Airport Manager  
Fernando Blanco, Acting Airport Engineer  
Rufus A. James, Airport Operations Aide  
Vice Mayor Christine Teel  
Vicki Minard, Assistant City Attorney  
Bruce Larkin, Director of Business Enterprises  
Jamie Opperee, Recording Secretary

Visitors

Mike Richardson, The Alter Group  
Joan Kuntz, Sheltair  
Ted Baldwin, Harris Miller Miller & Hanson Inc.  
Cindy Caird, Bay Colony Homeowners Association  
Carmen Barradino, Helicopter Shuttle.com  
Don Campion, Banyan Air

The meeting was called to order at 1:35 p.m. by Chair Brenneman and roll was taken.

**1. Approve Minutes of September 22, 2005 Meeting**

**Motion** was made by Mr. Petreccia and seconded by Mr. Aston to approve the minutes of the September 22, 2005 meeting. In a voice vote, the motion passed unanimously.

**2 Update Noise Contours – Project 11036 – Task Order No. 16  
Kimley-Horn and Associates, Inc. [This item was deferred to be the last voting item]**

Ms. Bennett explained that The City had submitted an update to the Executive Airport 150 Noise Compatibility Study for FAA approval in January 2003. The Study resulted in an updated Noise Exposure Map (NEM) for 2002 and forecast year 2007 and a revised Noise Compatibility Program (NCP). The FAA accepted the Noise Exposure Maps in February 2004 and approved several elements of the Noise Compatibility Program in January 2005. The submittal had included an analysis of recommended noise abatement alternatives, land use recommendations and continuing program measures suggested and discussed throughout the update process.

Ms. Bennett continued that one of the key recommendations was the “I-95 Turn” for all jets departing Runway 08. The FAA had approved the turn for all north and west-bound jets on a 24-hour basis and for all east and south bound jets between 11:00 p.m. and 7:00 a.m.

Ms. Bennett stated that in keeping with FXE’s goal to continually explore all opportunities for noise reduction, the Airport staff had requested that Kimley-Horn and Associates and Harris Miller Miller and Hanson, Inc., prepare Task Order No. 16 to update the contours in order to reflect benefits already provided by the expanded I-95 turn and any potential benefits of suggested use restriction options. These services would include:

- Preparing noise contours to reflect current operations;
- Evaluating the effect of formalizing the I-95 turn, resulting in 100% compliance;
- Evaluating potential restrictions of non-Stage 3 operations, including nighttime or 24-hour ban;
- Evaluating steps necessary to formalize land use controls around Executive Airport.

The updates would provide a basis for further analysis and discussion on future action regarding the Airport’s Noise Abatement Program.

**Staff Recommendation:** Staff recommended approval of Task Order Number 16 Update Noise Contours.

Ms. Bennett then introduced Mr. Ted Baldwin from Harris Miller Miller & Hanson Inc. Mr. Baldwin felt they were fulfilling the commitment they had made in the Part 150 Study, which he noted had been a very strong, cooperative process. Mr. Baldwin explained that the I-95 turn had been one focus of the Part 150 Study. Another focus had been their forecasting of the rate of retirement of the older, noisier jets: the Stage-1 and Stage-2 aircraft that did not meet the highest noise standards. Based on the airport's statistics, they were actually ahead of estimates, with approximately 11 of these Stage 1 and 2 operations per day over the last 12 months.

Mr. Baldwin stated they intended to re-run the contours with current data and compare it to the 2002 contours and the 2007 forecast. They would then run some alternatives. He felt this could be accomplished quickly.

Mr. Baldwin stated that this might end in a Part 161 Study. He explained that the Part 161 Study was established approximately 14 years ago by Congress and the FAA to be undertaken when an airport wished to impose restrictions that would affect Stage-2 or Stage -3 aircraft flights. He noted that this was a very rigorous process involving cost benefit analysis, and an examination of constitutional issues concerning interference with inter-state commerce and fair application of the rule. Only one airport had succeeded in obtaining FAA approval of a Part 161 Study and the ability to implement use restrictions. Since the process was so lengthy and arduous, Mr. Baldwin noted that it was preferable to go through the "collaborative and cooperative approach."

Mr. Baldwin explained in response to an inquiry from Mr. Iverson that in Naples, the FAA had initiated a Part 16 Action, claiming that the rule was arbitrary, discriminatory and unjustified. The airport had appealed this decision and won.

Mr. Baldwin reiterated that this was a difficult and expensive process, and that costs for the Naples study were perhaps \$1.2 to \$1.5 million. Mr. Baldwin stated that studies they were currently conducting at Los Angeles World Airports were priced at approximately \$6.5 million. Mr. Baldwin said he would rather see Fort Lauderdale continue with its cooperative approach that had been so successful in the past than to spend that kind of money and time.

Mr. Baldwin explained to Mr. Iversen that Part 161 was so much more expensive than a Part 150 Study because there were many more serious requirements than for a Part 150, including the very detailed study of the potential effects on businesses currently operating at the airport, and businesses that might operate there in the future. He pointed out that they had said at the time of the Part 150 Study that if they did not obtain 100% FAA approval for the I-95 turn or if their estimates of the Stage-2 aircraft retirements were inaccurate, then they would redraw the contours and compare them with those done in the Part 150 and evaluate how far they had gone in eliminating non-compatible land use.

Mr. Iversen asked if it was possible to set limits on Stage-3 aircraft noise. Mr. Baldwin said that any restrictions must be done through a Part 161 process. Mr. Baldwin explained the limits being sought by the Los Angeles airports.

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

### **3. Parcel 10 Lease Amendment between the City and World Jet, Inc./R.D. Whittington**

Ms. Bennett reported that World Jet, Inc. currently leased Parcel 10, including sub-parcels 10A, 10B, 10C, and 10D, amounting to approximately 10.33 acres, 450,105 square feet of GAA-zoned property. The annual rent for Parcel 10 was \$ 58,210.32 and was subject to annual adjustments in accordance with the Consumer Price Index.

Ms. Bennett stated that World Jet, Inc. had requested that the City amend the Lease to correct certain typographical errors and to improve the clarity of the document, specifically, some references that were currently incorrect. Ms. Bennett noted that the corrections and clarifications did not change the terms and conditions of the Lease.

**Staff Recommendation:** Staff recommended that the World Jet Lease for Parcel 10 be amended to correct and clarify the lease language related to the Assignment and Subleasing Provisions and Rights to Mortgage Lessee's Interest Under the Lease and Rights of Leasehold Mortgagee.

Mr. Iversen asked what would happen in the event of a bankruptcy. Ms. Bennett explained that this situation had never occurred, but if it did, the bank had a right to cure the lease, to assume the lease or to assign it. If there was a default in payment, FXE had the right to execute a default process. Their rights were protected in regard to their interests.

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

### **4. Deployment of a Fiber Optic Communications System for Gates – Final Adjusting Change Order No. 2 – Hypower, Inc. - Project 10462A**

Mr. Blanco informed the Board that the installation of a fiber optic-based telecommunications system and centralized control system had been completed on August 16, 2005. This would improve the security of the automatic gates, reduce the cost of installation over dial-up or copper lines, simplify the access for the operators, and reduce operations costs.

Mr. Blanco stated that the Change Order to the contract with Hypower, Inc. provided for adjustments based on information provided by the contractor and verified by City inspection

personnel. There were credit reductions for several items for a total change order credit of \$35,968.60.

**Staff Recommendation:** Staff recommended approval of the proposed final adjusting Change Order No. 2 with HyPower, Inc. in the amount of a \$35,968.50 (credit) and that Change Order No.2 be recommended to the City Commission, subject to review and approval by the Board.

**Motion** was made by Mr. Petreccia and seconded by Ms. McDonald to approve the staff recommendation. In a voice vote, motion passed unanimously.

#### **5. Cypress Concourse E, LLC - Consent to Sublease with Iowa College Acquisition Corporation, dba Kaplan University**

Ms. Bennett explained that Cypress Concourse E, LLC leased Lots 25, 26, 38 and 39 (Parcel E), consisting of 12.16 acres of AIP-zoned property. The lease had a term of 50 years with an option to extend for an additional 25 years. Annual rental payments were \$298,957.08, adjusted in accordance with the Consumer Price Index every five years. The building was currently occupied by Iowa College Acquisition Corporation doing business as Kaplan University.

Ms. Bennett informed the Board that Cypress Concourse E, LLC has informed them that Kaplan University had exercised its option for the construction of a second 100,000 square foot building and parking deck on the remaining two lots. In accordance with the terms of their lease, Cypress Concourse E, LLC had requested that the City consent to their sublease with Kaplan University now that they intended to occupy more than 50% of the useable area of the premises. The sublease was for 10 years and was subordinate to the City's lease with Cypress Concourse E, LLC. Ms. Bennett noted that the Board had approved this site plan last year.

**Staff Recommendation:** Staff recommended consent to the sublease between Cypress Concourse E, LLC and Iowa College Acquisition on Lots 25, 26, 38 and 39 (Parcel E) in the Executive Airport Industrial Airpark.

Mr. Mike Richardson, The Alter Group, explained that the jobs were in the student call-in help center and in administration. He did not know what the average salary was. Ms. Bennett agreed to obtain that information for the Board. Mr. Aston felt that job creation was one of the most important features of FXE.

Mr. Scerbo asked if the rent for the property would increase after the improvement. Ms. Bennett noted that the lease was for the ground only; The Alter Group then had a sublease with Kaplan for use of the building. She pointed out that rent was paid on the ground even when property was vacant. Mr. Scerbo felt the City should benefit from the improvements on the property. Ms. Bennett noted that the leases were structured by City ordinance at fair market

value of the ground. Some of the aviation leases were being converted from ground lease only to ground lease plus improvements in return for other concessions. In the future, if The Alter Group requested a lease amendment including concessions from the City, all terms, including the rent structure would be subject to negotiation.

Mr. Iversen felt the review period should be moved from every five years to every year. Ms. Bennett noted that the lease was not being amended at this time but that these terms would be negotiated during an amendment process.

Mr. Scerbo wanted to be sure that when the terms were negotiated, it was on a per square foot basis so they obtained a royalty on the square footage of the property. Mr. Milledge was unsure what reasonable basis there would be to charge rent on the building structures that the tenants built themselves.

Ms. Bennett explained that on the aviation properties, the tenants were allowed an amortization period on the improvements. At the end of that period, the City would share in the market value of the improvements. This provided an incentive, in consideration of the additional building constraints, to develop the property.

Mr. Scerbo noted that the City was a partner in the venture and should share in whatever growth and income was produced.

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

### Update Items

#### A. Presentation on Downtown Helistop

Mr. Cervasio gave a Power Point presentation on the Downtown Helistop describing its history and operation. Mr. Cervasio then introduced Carmen Barradino, former head of the Broward County Sheriff's Office Aviation Unit and now of HelicopterShuttle.com.

Mr. Barradino distributed brochures from his company and described its operation. He congratulated the Board for being innovative and anticipating the future need for helicopter services and thanked the staff for their attention to safety at the Helistop. Mr. Barradino noted that the helicopter his company had just purchased operated with reduced noise.

Mr. Iversen asked if buildings were being erected in the downtown that would experience noise problems with the heliport. Mr. Cervasio explained the noise studies that had been done when the heliport opened and added that only two calls had been received about the noise at the

beginning of the heliport's use. There was also a protected, established approach path to the heliport.

Mr. Aston felt that the heliport was currently an economic drain on the community. He was concerned that there was no detailed audit of who used the heliport. Ms. Bennett clarified that there had not been an economic impact analysis done for the heliport other than the original feasibility study.

Mr. Iversen and Mr. Aston felt they should consider a marketing campaign to increase use of the heliport. Ms. Bennett confirmed use figures for the past few months and noted that when the project was initiated, it was not designed to generate revenue, but to serve as a transportation link.

Mr. Aston cautioned against allocating funds for "frivolous decoration studies", referring to the Board's September agenda item to authorize funding for a heliport refurbishment study. Ms. Bennett noted that these studies included required maintenance issues, such as stair replacement at the heliport. She added that these design studies were intended to improve aesthetics and accessibility, thereby helping to increase use by the right type of operations.

Mr. Pollock stated that he understands some of the concerns expressed but feels that having the Downtown Helistop is a key amenity for attracting new and bigger business concerns. He mentioned the ongoing negotiations to bring a World Trade Center to Fort Lauderdale and interest expressed by a recent delegation from Malaysia that will be traveling between Fort Lauderdale and Miami International Airport. He is convinced that the upgrades to the Helistop should be completed.

#### **B. U.S. Customs Extended Hours of Service**

Mr. Cervasio reported that U.S Customs and Border Protection Services (CBP) had extended the hours of operation at the facility at FXE from 9:00 a.m. to 9:00 p.m. for a 120-day test period beginning June 27, 2005. After 90 days, the CBP decided to make those hours of operation permanent. The Honorable Alcee Hastings, E. Clay Shaw and Debbie Wasserman Schultz had all released statements on September 27, 2005 applauding the action.

Mr. Cervasio felt that these hours of service would have a huge positive impact on the safety and efficiency of the airspace over South Florida and benefit the entire air traffic system by eliminating unnecessary takeoff and landing operation and flights over the community. He noted that this represented the culmination of almost 15 years of effort. Mr. Cervasio thanked the Congressional and Senatorial representatives and their staffs, the agency representatives in CBP and Federal Aviation Administration, the Fort Lauderdale City Commission, Aviation Advisory Board, tenants and users of the airport who had worked with FXE staff to make this happen.

C. 2005 Achievements in Community Excellence (ACE) Awards and Executive Airport Open House

Ms. Bennett explained that in 1998, FXE had implemented The Achievements in Community Excellence (ACE) Awards program to recognize tenants, businesses, and individuals who made exceptional efforts to comply with the measures of the Noise Abatement Program throughout the year. This year, FXE recognized the outstanding efforts of the FAA Air Traffic Control Tower (ATC) at FXE.

Ms. Bennett informed the Board that the ATC had a staff of 20 with the primary mission of maintaining the separation of aircraft in the air and controlling the movement of aircraft and vehicles on the ground. In the past year, through the cooperation of the ATC and the FAA's approval of the I-95 Turn, the community had experienced a significant reduction in jet traffic and aircraft noise over the resident areas. Ms. Bennett stated that the Control Tower personnel were being recognized for their efforts in contributing to the noise abatement program and coordinating with aircraft to enable them to fly the noise abatement routes.

Ms. Bennett announced that complementary to the ACE Award ceremony, the staff would be hosting a Holiday Open House at the Airport Administration Building on Thursday, December 15, 2005 from 5:30 p.m. to 7:30 p.m. Ms. Bennett invited the Aviation Advisory Board and the Mayor and City Commission to attend the event.

D. Noise Compatibility Program

Ms. Bennett explained that Ms. Deardorff had compiled the following report but was on vacation. Ms. Bennett explained that Ms. Deardorff, Mr. James and Mr. Harrison were rotating through a six-month training program in the noise abatement office. After 18 months, staff hoped to promote one of them into the noise abatement officer position.

FXE Noise Abatement Program - Pilot Workshop:

Ms. Bennett stated that on October 5, 2005, the Noise Abatement Office hosted a Pilot Workshop for jet pilots. After the program, pilots were provided with a complimentary catered lunch and given demonstrations of the Airport Noise and Operations Monitoring System (ANOMS). She noted that the event was very well attended.

FLL Master Plan Update Workshop:

Ms. Bennett announced that on October 18, 2005, Ms. Deardorff attended the FLL Master Plan Update Workshop for the Broward County Commission. The Commission received presentations given by Tom Jargiello, Fort Lauderdale-Hollywood International Airport's



Director of Aviation and representatives from the airport's consultants. In addition to the statistics on the airport's passenger growth, costs per enplaned passenger and airfield delays, topics at the workshop included: the process for the Environmental Impact Study for airfield expansion; the Master Plan for facility and gate development; the Part 150 Study to mitigate environmental impacts, and the Green Airport Initiative for environmental initiatives that went beyond the minimum required levels.

#### E. Projects in Development - Challenge Air for Kids and Friends

Mr. James announced that on Saturday, January 28, 2006, Challenge Air for Kids and Friends would present "Fly Day" from 9:30 a.m. to 5:00 p.m. at Banyan Air Service, 5540 NW 21st Terrace. Mr. James explained that this organization was a non-profit group established to inspire and motivate physically challenged children and young adults through aviation. On Fly Day, free airplane rides will be given to any physically challenged child or young adult who was registered prior to the event. The event would also include an educational ground school, display of static aircraft, face painting, clowns and Canine Companions for Independence.

Mr. James advised that anyone interested in more information about how to volunteer or to contribute a gift should call (214) 351-3353, extension 14, or visit Challenge Air's website at [www.challengeair.com](http://www.challengeair.com) or [www.challengeair.org](http://www.challengeair.org).

#### F. Arrearages

There were no arrearages to report.

#### G. Executive Airport - Hurricane Wilma – Timeline and Damage Assessments

Ms. Bennett informed that Board that initial damage assessment at FXE indicated a range of damage to structures and extensive tree damage. The majority of damage suffered by aviation facilities was related to impacts to hangar doors and corners of buildings. An initial review of ramp areas indicated that approximately 24 aircraft were damaged by the storm.

Ms. Bennett reported that all Airport tenants were without power immediately after the storm. Some service was restored to portions of the Airport on Wednesday, October 26th and power was restored to all Airport properties by Tuesday, November 8th.

Ms. Bennett displayed photos of some of the damage and noted that physical damage to the airport was estimated at \$200,000 and damage to tenants' hangars was estimated at \$8 million.

Ms. Bennett expressed appreciation for the help of City crews and other City Departments in getting the airfield back in service and removing the extensive amount of debris from the property.

Ms. Bennett noted that FXE had allowed FPL to use a portion of runway 13/31 and adjoining taxiways as a staging area for their repair operations.

Mr. Erskine explained to Mr. Scerbo that the airport could not mandate that people move their aircraft in anticipation of a storm, but most people did.

Mr. Don Champion, Banyan Air, thanked the airport staff for getting gates open and allowing them onto the field to help clean up. He noted that FXE was the first airport in the South Florida to open after the hurricane.

#### H. Fort Lauderdale International Airport Update

Mr. Pollock informed the Board that he had attended the FLL Master Plan Update workshop

Mr. Pollock announced the tentative date of December 7 at 4 p.m. for the Green Airport Initiative's outreach presentation at the Greater Fort Lauderdale Chamber of Commerce.

Mr. Pollock stated that there was a meeting today between FLL and its users regarding the runway plan and use of the diagonal runway. The meeting would also describe the FAA's new flight pattern for the Caribbean and the Southeastern United States.

#### **Other items of interest**

The next Aviation Advisory Board meeting would be held Thursday, December 8, 2005 at 1:30 pm.

There being no further business before the Board, the meeting adjourned at 3: 40 p.m.

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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.