



Venice of America

CITY OF
FORT LAUDERDALE

AVIATION ADVISORY BOARD
FORT LAUDERDALE EXECUTIVE AIRPORT
ADMINISTRATIVE OFFICE - MULTIPURPOSE ROOM
6000 NW 21 AVENUE, FORT LAUDERDALE, FL
THURSDAY, MARCH 24, 2011 1:30 P.M.

Board Members	Attendance	Cumulative Attendance 7/10 through 6/11	
		Present	Absent
Bunney Brenneman, Chair	P	6	0
Bruce Larkin, Vice Chair	P	4	2
Lee Alexander	P	5	1
Gloria Brown	A	3	3
Avery Dial	P	2	0
Linda Iversen	P	4	2
Jackie Kaht	P	6	0
Patrick Kerney	A	5	1
Stephen Stella	A	4	1
Pamela Bushnell, Vice Mayor, City of Tamarac [non-voting]	P	6	0
Jeff Helyer, City of Oakland Park [non-voting]	P	6	0

Airport/City Staff

Clara Bennett, Airport Manager
Mark J. Cervasio, Assistant Airport Manager
Florence Straugh, Noise Abatement Officer
Rufus A. James, Airport Operations Supervisor
Vicki Minard, Assistant City Attorney
Debi Donato, Administrative Assistant
Leslie Carhart, Administrative Assistant
Sharon Dreesen, Administrative Aide
J. Opperlee, Recording Secretary, Prototype Services

Communications to the City Commission

None

Call to Order

Chair Brenneman called the meeting to order at 1:30 p.m.



1. Approve Minutes of January 2011 Meeting

Motion made by Dr. Alexander, seconded by Ms. Kaht, to approve the minutes of the Board's January 2011 meeting. In a voice vote, motion passed unanimously.

2. Industrial Airpark Parcels B, C, and D Onsite and Offsite Environmental Mitigation Plan

Ms. Bennett reminded the Board that they had approved staff's recommendation in January 2011 to terminate three leases due to the lessee's failure to comply with the terms of the leases and the terms of Broward County permits for environmental mitigation on the three properties. The tenant had also failed to address environmental violations that occurred on the property some time ago. The City Commission had approved that recommendation at its February 15, 2011 meeting.

Ms. Bennett stated Airport staff was working with Miller Legg and Associates Inc., their environmental consultant, and Broward County to bring the violations and permit agreements into compliance.

Ms. Bennett explained that Parcel B had Natural Resource Area (NRA) designation; Parcel C contained wetlands, and Parcel D contained wetlands areas and a NRA designation.

Ms. Bennett informed the Board that on December 21, 2007, Broward County issued the required Environmental Resource Permits, which called for conservation easements for the NRA portion of Parcel B and the NRA and wetlands portions of Parcel D, which would allow the remaining acreage to be developed. Parcel C could be developed in its entirety because of the on-site mitigation on Parcel D, and off-site mitigation on an 11-acre parcel owned by the County at Mills Pond Park. The permit also required that Financial Assurances must be issued by the developer totaling \$577,500, which could be put up through a bond or some other form acceptable to the County.

Ms. Bennett stated staff was concerned because the permits issued in 2007 were for five years and the conservation easements and the agreement allowing for the mitigation at Mills Pond Park had never been executed. Staff wanted to revisit all of the agreements that must be executed to bring the permits into compliance. They would do the work to bring Parcel D into compliance immediately by removing the exotics and creating a planting schedule. Ms. Bennett estimated that this portion of the work would total approximately \$200,000, and they must encumber the funds out of the Retained Earnings account. Once Parcel D was complied, they would work with the County regarding mitigation and the violations on Parcel C. Ms. Bennett hoped the County would approve a revised schedule that would allow them to address those in phases.

Ms. Bennett stated the Consent Order called for on-site restoration for Parcel C. They were trying to obtain some form of relief from that part of the corrective action. If not, they would spend hundreds of thousands of dollars to correct Parcel C and then possibly remove all of it when developing it under the rights obtained under the permit.

Ms. Bennett said discussions with County staff had been positive, but they wanted to see work being done. County staff was aware that Airport staff was presenting this recommendation to the Board and to the City Commission in April, and that they were working with their consultant to develop a scope of work for the bid on Parcel D. Ms. Bennett stated they were also working with the County regarding the Financial Assurance requirement. Since the Airport was a government agency, the County would accept a budget encumbrance.

Staff Recommendation

Staff recommends that the City:

1. Execute a Conservation Easement for 2.85 acres on Parcel B to be conveyed by the City and South Florida Water Management District to Broward County, subject to FAA approval;
2. Execute a Conservation Easement for 2.6 acres on Parcel D to be conveyed by the City and South Florida Water Management District to Broward County, subject to FAA approval;
3. Execute an Agreement between the City and Broward County regarding off-site mitigation at Mills Pond Park;
4. Submit a revised application to Broward County with an amended schedule for on-site and off-site mitigation and enhancement;
5. Develop a revised cost schedule to account for all licensed/permitted wetland impacts and mitigation, and encumber the necessary funds to complete the work; and
6. Execute documents necessary to settle any outstanding issues and work cooperatively with Broward County to obtain injunctive relief related to the City's obligations under the Final Consent Order.

Mr. Bennett explained how this had come about to Ms. Bushnell, and stated the fines totaled \$46,000. She said they hoped to get the County to reduce the fines to avoid setting a precedent for the City paying fines to the County.

Mr. Larkin asked the revenue potential of the Parcels once this was settled. Ms. Bennett said the leases that were terminated were appraised in 1997 for \$3.25 per square foot, 10% of which, or \$200,000 per parcel, per year the Airport received. Property nearby was currently being appraised at \$10.00 per square foot and they believed they would ultimately be in a better position regarding the rent once these Parcels were developable. Mr. Larkin remarked that one year of rent would make the Airport whole regarding the costs.

Ms. Bennett stated Southern Facilities' attorney had been present at the City Commission's February 15 meeting, and had requested a 30-day deferment for the City's review of the lease termination, but the City Attorney determined that the deferment would not accomplish anything.

Ms. Bennett explained to Dr. Alexander that they would be responsible for the restoration and maintenance specified in the 5-year maintenance schedule on the wetlands. The agreement they were developing for Mills Pond Park would also include 5-years of maintenance.

Ms. Bennett said once the agreements were finalized, they would be reviewed by the FAA. The FAA had one requirement: they wanted to be sure language was included to allow the Airport to remove flocking birds to prevent them interfering with aircraft.

Ms. Bennett said Southern Facilities intention had been to develop the properties and the County's 2007 permits were related to a site plan, so once this was worked out, the permits would allow for construction on the Parcels.

Motion made by Mr. Larkin, seconded by Ms. Iversen, to approve the staff recommendation. In a voice vote, motion passed unanimously.

3. FAA Air Traffic Control Tower Land Lease

Mr. Cervasio reminded the Board that the existing Federal Aviation Administration (FAA) Air Traffic Control Tower (ATCT) was "woefully inadequate" for the level of activity at the Airport. He explained that the facility had been built in 1972 with a 20-year service life, and was now almost 40 years old. The Tower experienced periodic power outages and other problems. Mr. Cervasio stated the tower cab was only 34' to the floor of the cab and was only 226 square feet, and the base building was only approximately 1,200 square feet.

Mr. Cervasio informed the Board that staff had been working diligently with the FAA to site and design a new ATCT. Due to the increased size of the new ATCT and base building, and new FAA security requirements for federal facility sites, the parcel leased by the FAA for the existing Tower could not accommodate the new facility.

Mr. Cervasio drew the Board's attention to an aerial view of the site and the proposed footprint for the new Tower site. He stated Parcels 4 and 5 would need to be amended to accommodate this. The City Surveyor was finalizing the survey. Mr. Cervasio stated the FAA would like to have the lease executed by May to let the construction contract out in June.

Mr. Cervasio said the FAA had initiated a new lease agreement for the proposed ATCT

with a larger footprint on the Parcel Mr. Cervasio had displayed. He stated staff was working with the City Attorney's office and the FAA Real Estate Division to incorporate the City Attorney's comments and suggestions.

Staff Recommendation

Staff recommends execution (pending City Attorney approval) of a new Lease with the FAA to accommodate the construction of a new Air Traffic Control Tower at Executive Airport.

Mr. Bennett stated Mr. Jackson from Congressman Hastings' office was present, and noted that there had always been tremendous support for this project from his office.

Mr. Cervasio stated construction should begin in October and would take approximately two years.

Ms. Iversen stated, "They want a new Tower and we want quieter neighborhoods." She wondered why the FAA would not approve the Airport's desire to require the I-95 turn from 8 PM until 8 AM. Ms. Iversen felt this should be a condition of building the new Tower. Ms. Bennett stated these were two different areas of the FAA and Ms. Cervasio explained that the facility was a problem that should be addressed as soon as possible.

Ms. Iversen felt the new Tower could make the Airport bigger and noisier, but Ms. Bennett explained that the Tower would not change the characteristics of the Airport; the runway system affected the operating characteristics. Ms. Carhart stated these were conflicting priorities: the Tower height was about safety, and was very high priority for the Airport, not just for the FAA. Ms. Bennett said the FAA had indicated repeatedly that the issue regarding the I-95 turn was safety because South Florida airspace was so busy. Ms. Bennett stated staff did not agree with tying the new Tower to the I-95 turn because the Tower was essential to the safe operation of the Airport, but they would continue to push for more planes to use the I-95 turn.

Mr. Helyer asked that Airport staff or the City provide nearby cities with fact sheets explaining what they could do to exert influence regarding this issue using their lobbyists. Ms. Bennett agreed to ask Kathleen Gunn, Assistant City Manager, to forward this information.

Motion made by Dr. Alexander, seconded by Mr. Dial, to approve the staff recommendation. In a voice vote, motion passed unanimously.

4. Parcel 4 Lease Amendment, Gerald M. Holland, Trustee, d/b/a Sheltair

Mr. Cervasio referred to the aerial photo depicting the location of the new Tower and Parcel 4 and explained that part of Parcel 4 would be needed for the configuration of the new Tower site. The existing Tower site would be incorporated into Parcel 4.

Mr. Cervasio said the Tower project would be conducted in three phases: mobilization of the site; construction of the new Tower; demolition of the old Tower and reconfiguration of the parking area for Parcel 4.

Staff Recommendation

Staff recommends execution of an Amendment to the Lease with Sheltair for Parcel 4 allowing for a new property description consisting of approximately 864,241 square feet.

Motion made by Mr. Larkin, seconded by Ms. Kaht, to approve the staff recommendation. In a voice vote, motion passed unanimously.

5. Parcel 5 Lease Amendment, Gerald M. Holland Lease

Mr. Cervasio referred again to the aerial view of the proposed new tower project and explained that a wedge of property on Parcel 5 of approximately 4,700 square feet was needed for the FAA to install a fence around the new Tower site. Based on the current rental rate of \$0.34 per square foot, Sheltair's rent would be reduced by \$4,908 per year.

Staff Recommendation

Staff recommends execution of an Amendment to the Lease for Parcel 5 allowing for a new property description reducing the parcel by approximately 4,707 square feet to approximately 894,371 square feet.

Motion made by Ms. Iversen, seconded by Dr. Alexander, to approve the staff recommendation. In a voice vote, motion passed unanimously.

6. Walk-on Item

New Customs and Border Protection Building and Aircraft Apron - Project 11242

Mr. Cervasio reminded that Board that at their May 22, 2009 meeting, they had unanimously endorsed staff's recommendation to approve a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$240,000 to assist with the design of a new Customs and Border Protection Service

facility. The City Commission had approved this recommendation at their 9/1/09 meeting and the JPA had been executed.

Mr. Cervasio explained that FDOT had an additional \$64,000 to make available for this project and had initiated a Supplemental Joint Participation Agreement to raise their level of participation to \$304,000. This still represented 80%, since design changes had been made to accommodate additional security requirements, which had increased project costs.

Staff Recommendation

The staff recommends the Supplemental Joint Participation Agreement be approved to amend the Joint Participation Agreement with the Florida Department of Transportation for up to \$304,000 or 80% of the costs for the Design of a New Customs and Border Protection Building and Aircraft Apron.

Motion made by Ms. Iversen, seconded by Mr. Larkin, to approve the staff recommendation. In a voice vote, motion passed unanimously.

UPDATE ITEMS

A. Noise Compatibility Program

Unusual Noise & Operations Activity

Ms. Straugh reported that over the last several months, they had experienced unusual weather patterns, with lots of wind out of the west. They had deferred the December and January statistics to ensure that they were accurate and had determined that they were. Because of this unusual weather, there had been departures and arrivals on runway 26, which brought aircraft in low and slow over neighborhoods to the east, resulting in may calls from those neighborhoods.

Runway 8 - Jet Departure Activity

For December 2010, there were an unusually low number of jet departures (190) on Runway 8, which resulted in a significantly low number of associated noise events that registered. For January 2011, a relatively low number of jets departing Runway 8 (279) occurred as well.

Runway 26 Jet Arrivals

For December 2010, there were 486 Runway 26 Jet Arrival. For December 2010, 32 aircraft noise reports were received for noise regarding Runway 26 arrival aircraft, which was 39% of 83 total aircraft noise reports.

For January 2011, there were 300 Runway 26 Jet Arrivals. For January 2011, 60

aircraft noise reports were received for noise regarding Runway 26 arrival aircraft, which was 31% of 194 total aircraft noise reports.

For February 2011, the number of Runway 26 Jet Arrivals dropped 60% from December 2010. Total for February 2011 was 196.

NIGHTTIME AND I-95 TURN

For December 2010, there was no jets over 80 dB at night between at night between 10:00 p.m. and 7:00 a.m. Also in December 2010, seven jets flew the I-95 Turn at night and none was a stage-two.

For January 2011, there was one jet over 80 dB at night between at night between 10:00 p.m. and 7:00 a.m. Also in January 2011, 24 jets flew the I-95 Turn at night and none was a stage-two.

For February 2011, there were no jets over 80 dB at night between at night between 10:00 p.m. and 7:00 a.m. Also in February 2011, 40 jets flew the I-95 Turn at night and none was a stage-two.

Noise Cooperative Effort

Monthly Noise and Operations statistics for December 2010, January 2011, and February 2011 were included in the Board's packet.

B. Development and Construction

Airport Projects In Development

Aviation Equipment And Service Facility Project # 11181

Mr. James reported that the Aviation Equipment and Service facility project was complete. They already had a Certificate of Occupancy and were currently working on punch list items with the contractor and awaiting an Air Quality Assessment on the building's interior.

Mr. James stated the project had been completed with no significant overruns or safety incidents.

FAA Runway Safety Action Team (RSAT)

Mr. James stated the FAA Runway Safety Action Team (RSAT) had recently visited the Airport for two days to assess and discuss runway safety measures. They had also spent a few hours in the Control Tower to observe and assess communication procedures between controllers and pilots. The following day, RSAT had met with

Airport staff and tenants to provide a preliminary report of their assessment.

Mr. James said staff would continue to work with the RSAT and would provide the Board with an update on the final report of the assessment.

Operations statistics were included in the Board's packet.

C. Arrearages

Rent

Ms. Bennett reported two tenants were in arrears:

Performance Trading, Parcel 8D

KSR, LLC, Parcel 8G

Ms. Bennett stated KSR had been issued a notice of default because they were multiple months in arrears. She stated they had retained an attorney and were requesting a rent reduction, which was not possible, but staff was continuing discussions regarding how they could help, without reducing the rent.

Ms Bennett said Performance Trading was in arrears for the March rent only.

Fuel Flowage

There were no fuel flowage arrearages for the month of February 2011.

D. Communications to the City Commission

None

E. FLL Update

Ms. Straugh had attended the Broward County Aviation Department's Airport Noise Abatement Committee quarterly meeting in March where residents had indicated they wanted advanced notice of the main runway closure and cross runway usage. Residents were also concerned about the height of the east end of the new runway. Ms Straugh said the closure dates would be posted on the City's website and the Public Information Officer would also distribute the information to civic associations.

Other Items and Information

This item was heard out of order.

Aviation Safety Expo

Mr. James announced the Aviation Safety Expo would be held on April 9th from noon until 5:00 pm at the new Aviation Equipment and Service Facility. The Expo will take place from 5 pm until 7 pm, and a live band would perform a sunset celebration.

Ms. Bennett stated the event was intended to build relationships with the pilot community who used the Airport and make them more aware of safety issues on the ground.

Ms. Bennett said the FAA was mailing flyers to over 5,000 pilots, they had posted the event on the FAA website, and included the event in their Wings program, making pilots and mechanics who attended eligible for two hours of proficiency credits.

Ms. Bennett explained there would also be 13 exhibitors, representing educational institutions that offered four-year degree programs, as well as four branches of the FAA and aviation associations. The Civil Air Patrol was also part of the event.

Resident's Call

Mr. Helyer had received a call from a resident in the Coral Heights section of Oakland Park. The resident stated there was a "rush hour" at approximately 6:30 am at the Airport. Mr. Helyer said the resident expressed frustration that, in the past, calling the complaint line had not resulted in any action. Ms. Straugh agreed to contact the resident. Ms. Bennett stated the runway was closed from 10 pm until 7 am, so it could be planes that were gathering while waiting to land at 7 am.

There being no further business before the Board, the meeting adjourned at 3:06 p.m.

- Next scheduled meeting date: Thursday – April 28, 2011 – 1:30 PM



Bunney Bronneman, 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.