

# Regular Meeting Agenda

April 19, 2021

Call to Order – 4:00pm

- Call to Order – Chairman
- Pledge of Allegiance
- Meeting Minutes & Financial Report Acceptance
- Agenda Approval
- Staff Reports
- Business Partner Updates
- Business Items –
  - Appeal – Lease Policy
- Public Comment – General
- Member Comments and Reports
- Adjournment

## Meeting Agenda Approval –

## Staff Reports –

### Upcoming Items of Interest & Update of Projects –

- New T-Hangars B & C –
  - Estrella Roadway Work Complete
- Taxiway “D” –
  - Work has Begun
  - Pipe Work On Going South of Taxiway
  - Working to Keep Affected Users Informed
- Legislative & Operational Update – (Carol Saviak)
  - Review of Local, State and National Items of Interest

## Business Partner Updates –

- Mr. Henry Dean, St. Johns County Commissioner
- Mr. Vinny Beyers, Atlantic Aviation
- Mr. Sam Barresi, SAAPA Liaison
- Mr. Dan Nehring , NGC
- Ms. Tammy Albin, ATCT
- Mr. Doug Burnett, Airport Attorney

## Business Items – Appeal – Lease Policy

1. Consideration of Appeal by Authority?
2. Hearing and Action

Board Discussion

Public Comment

Motion and Discussion

Action

# Public Comments

## General

- **Three (3) Minutes per Speaker**
- **Address Matters that Reasonably May Need Attention of the Authority**

### **RULES OF DECORUM**

- **May Not Disrupt the Meeting with Personal, Impertinent or Slanderous Remarks or Boisterous Behavior**
- **Please Address the Authority as a Whole, Not Any Individual Member**
- **Please Refrain From Making any Demand for an Immediate Response From the Authority**

# Authority Members

## Comments and Reports

Ms. Reba Ludlow

- Aerospace Academy
- TPO

Mr. Robert Olson

- EDC

Mr. Justin Mirgeaux

Ms. Suzanne Green

Mr. Bruce Maguire

## Proposed Meeting Dates

- Regular Meeting – May 17<sup>th</sup>, 2021 @ 4pm

## Adjournment

## AGENDA MEMORANDUM

### ***Item Description – Appeal of Administrative Decision: T-Hangar Waiting List***

***Meeting - April 2021***

#### **Background & Discussion –**

Current Airport Authority “Lease Policy,” Section 8.13 provides for the appeal of an Executive Director decision as it pertains to the administration of its contents. Attached is information provided aggrieved party supporting their appeal and basis for a requested Policy Exception.

Section 4 of the “Lease Policy” provides for the application and process related to the establishment and administration of a “Waiting List” as applicable to T-Hangars. Copies of applicable policy excerpts are included herein.

By design, the Authority’s waiting list process does not provision for the substitution or change of name for persons or companies that reach the top of the list and have been contacted to lease an available unit. Deliberatively, the intent of not including this kind of language was to avoid any “commoditization” of a #1 position on the waiting list. Staff’s liberal interpretation of the waiting list policy language does allow for the addition\clarification of a future tenant name up to the time of contact by staff (upon reaching the #1 position).

The “Flying Club” (aggrieved) is seeking a “policy exception” for persons reaching the #1 position on the list where the individual is a member of the Club and desire to transfer their position directly to the Club. To be clear, the person occupying the #1 position may or may not have an aircraft that would be included in the transfer arrangement. If permitted as an exception, the lessee would be then be the “flying club” going forward. As such and as provisioned elsewhere in this policy, any aircraft legally operated by the club could then be stored in the unit.

**Budget Implications – None**

**Legal Implications – None.**

#### *Process Note:*

The first order of business for the Authority would be to determine whether there is a desire to consider the appeal and entertain further consideration beyond that already communicated by staff to the aggrieved party.

Should there be a desire to consider the matter further, then the Authority may choose to hear the matter immediately or place it on a future agenda.

**Staff Recommendation – None. This is a Policy Matter.**



## **4. APPLICATION AND WAITING LISTS**

It shall be the policy of the St. Augustine - St. Johns County Airport Authority that application for aviation and non-aviation lease space shall be made using a uniform and consistently applied methodology. Where circumstances exist that waiting lists are required to segregate the demand for Authority owned facilities, the development and maintenance of said lists shall be developed, managed and maintained by the Executive Director.

### **Implementation Procedures**

1. Application shall be on a form and in a manner provided by the Airport Authority and shall be subject to periodic updates and changes as determined necessary by Executive Director.
2. Applications shall specify with sufficient detail the nature of the proposed use including the name and contact information of the proposed lessee, the lessee's minimum or maximum space requirements and expected development timeline (if required), and shall comply where applicable with the requirements of Section 8.1.

To the greatest extent possible, the Executive Director shall match the space and use requirements of a potential tenant on the "waiting list" to that of an available unit(s). Information provided or amended by a prospective lessee shall form the basis of any such evaluation effort. The failure on the part of any prospective lessee to provide or keep current waiting list information shall not be considered adequate grounds for reversal of the Executive Director's decisions relative to an appropriate match of available space proposed lessee.

Exclusive of T-Hangar and Box Hangar type units, applications for other building space will not be accepted where the proposed scope of operation includes the sublease of more than 25% of the available square footage of the building space. Individuals or firms wishing to sublet more than 25% of building space shall be required to capitalize their own facilities after entering into an appropriate land lease with the Authority.

### **ADDITIONAL CONSIDERATION FOR COMMERCIAL AVIATION USES**

Proposed Lessee's that have engaged in Commercial Aviation and a determination of "public use and benefit" has been properly made relative to the proposed commercial operation, shall be afforded first opportunity to lease existing available space and/or priority in occupancy in appropriate "built to specifications" space initiated by the Airport Authority, consistent with FAA guidelines.

### **ADDITIONAL PROCEDURES FOR T-HANGARS, BOX HANGARS & TIE DOWNS**

1. The Executive Director shall develop, manage and maintain a waiting lists of qualified individuals desiring to lease a T-Hangar, box type hangars or tie-downs from the Authority. The Executive Director, consistent with the following provisions, shall administer the hangar waiting list.
2. The list shall be generally maintained in the order, in which the list has been developed, i.e., first names received shall be afforded the first opportunity for rental and subject to the following:

- a. Individuals will be contacted via phone or email and afforded a three (3) business day period, to affirm their desire to lease the available hangar unit.
  - b. In the event the individual listed in the first position on the waiting list has specific aircraft requirements inconsistent with the available hangar unit, they will be retained in their relative position on the list for an appropriate hangar unit when available. A declination of an appropriately sized unit will result in forfeiture of waiting list position as provided herein.
  - c. Should the individual listed in first position on the waiting list fail to respond in the time specified, the individual listed in second position shall be contacted in like manner and afforded the opportunity to lease the available hangar unit. Movement through the list, in the order established, shall continue until the available unit is leased.
  - d. In the event that any individual fails to respond within the specified period described in Paragraph 1 above, he or she will be contacted via first class mail at the last address on file, for the purpose of affirming his or her desire to lease the next available hangar unit. Failing that, an individual who remains unresponsive for a period exceeding thirty (30) days shall be removed from the waiting list and shall forfeit all previous position on the waiting list.
  - e. The Executive Director shall conduct an annual review and adjustment of the waiting list. Such review shall verify current contact information of all individuals listed. Any individual, who fails to respond for more than thirty (30) days during the annual waiting list review, shall be removed from the list without additional priority on any new list.
  - f. Waiting List Individuals without Aircraft – Since Lessee's can build kit-type aircraft or may be waiting for an available T-Hangar prior to purchasing a new aircraft, aircraft ownership shall not be a condition precedent to leasing a T-Hangar. New Lessees who reach the top of the list and have a hangar become available shall have two options: (1) enter a lease and begin paying rent and have up to one hundred eighty (180) days to acquire an aircraft or acquire a kit-type aircraft after entering a lease; or (2) pass once on a T-Hangar and remain at the top of the waiting list for a period of one hundred eighty (180) days for the next available unit so as to allow the potential Lessee additional time to acquire an aircraft.
3. Additional Consideration for Existing T-Hangar Lessee's – An existing t-hangar lessee desiring to change specific hangar units shall be afforded a "first opportunity" to affect the change prior to the contact of individuals on the waiting list. The Executive Director shall maintain a list of individuals desiring such lateral moves. In affecting this provision, a new lease agreement reflecting the then current specific rates and terms associated with the desired unit shall be required of the Lessee.



## **8.13 APPEAL OF ADMINISTRATIVE DECISIONS -**

To provide a uniform method of appeal for any aggrieved party relative to administrative decisions pursuant to this policy, the Authority adopts the following policy.

### **Implementation Procedure**

1. An person or entity adversely affected of any final decision of the Executive Director, or his designee, may request to be heard as an agenda item before the Authority by submitting a Written Appeal Statement within thirty (30) days of the Executive Director's decision.
2. The Written Appeal Statement shall set forth the following: the background facts, issue in dispute or nature of the dispute, the decision of the Executive Director, the date of the Executive Director's decision, the relief requested, and the facts and circumstances warranting the relief requested and/or supporting a reversal of the Executive Director's decision. Every Written Appeal Statement shall include as attachments any and all documents (i.e., letters, contracts, etc.) related to the matter to be appealed.
3. Upon receipt of a completed Written Appeal Statement the Executive Director shall add the issue to the next reasonably available Authority regular meeting. Should any Written Appeal Statement be incomplete, the Executive Director shall notify the appellant in writing.
4. At a regular meeting of the Authority whereupon a Written Appeal Statement is an agenda item, the Authority shall first review the Written Appeal Statement and determine whether to hear the appeal. If there is no affirmative vote to hear the appeal, the appeal and Written Appeal Statement shall be deemed denied and the decision of the Executive Director shall stand. Should the Authority hear an appeal, the Authority shall retain all rights to grant or deny any appeal even after hearing further evidence or argument in support of the appeal.

**ADMINISTRATIVE:** *None at this time.*

Shelbie Gunter  
1408 Colville Court  
St. Augustine, FL 32095

and

Northeast Florida Aero Club, Inc.  
1938 Hickory Trace Dr.  
Fleming Island, FL 32003

March 21, 2021

Edward Wuellner, AAE,  
Executive Director  
St. Augustine – St. Johns County Airport Authority  
4796 US Highway 1 N,  
Saint Augustine, FL 32095

Dear Mr. Edward Wuellner:

Thank you for recently meeting Joe Lopinto and Tariq Fasheh on behalf of Shelbie Gunter and the Northeast Florida Aero Club, Inc. We appreciate your time and effort in explaining the authority's position. Per our discussion, an appeal on behalf of Shelbie and his/our flying club is included below.

Respectfully,

Shelbie Gunter	Tariq Fasheh
Member	President
Northeast Florida Aero Club, Inc.	

## APPEAL

### Background:

Northeast Florida Aero Club, Inc. (NEFLAC) is a not-for-profit flying club operating at KSGJ. The club was formed in late 2019 by two founding members and has since grown to 21 members in less than one year. Club members are equal member-owners of the club. The club is operated at long-term breakeven costs, which are shared by all members. The demand for the club model has been significant. The club currently has 7 additional prospective members waiting to join as soon as the club can add a second plane and expand membership to 40 pilots. The club self-imposes a 20-member per aircraft soft limit to maintain aircraft availability. The club expects to add a second and third aircraft in the coming year.

In the past twenty years (or more), KSGJ has not had a flying club to complement individual ownership, flight schools, and FBO commercial operations. A healthy airport community includes a component of each of these operating stakeholders amongst other commercial operations.

### Issue Appealed:

Unlike 50 x 50 box hangars, operating guidance for T-Hangars do not currently allow club members to transfer their hangar waitlist position to the flying club. One such member, Shelbie Gunter, is now on a 6-month recall while this appeal is heard. The club incorrectly assumed that when his hangar slot became available, he could transfer his slot to his own flying club and begin making plans for a second airplane expansion. The club respectfully requests that the board consider our unique position within the t-hangar user population and allow Shelbie to transfer his hangar to the flying club when it becomes available under the normal course of hangar waitlist recall.

### Decision of Executive Director:

The t-hangar operating guidance provided to the Executive Director do not address the specific topic of flying clubs specifically. As such, the current decision to not allow such transfers as they are not explicitly delineated.

### Date of Executive Director Decision:

Shelbie Gunter's 6-month recall started on January 22, 2021. An in-person meeting was held with the Executive Director to clarify the current position and required appeal. This filing is pre-emptively being filed before expiration of the recall period ending on July 22, 2021 (the date at which Executive Director Decision becomes final) to provide the board sufficient time to decide without adversely impacting hangar availability and distribution.

**Relief Requested:**

The Northeast Florida Aero Club, Inc. and Shelbie Gunter respectfully request that Shelbie's upcoming hangar position be transferred into the name of the flying club. Shelbie is a current member of the flying club in good standing. If he had the desire or financial capacity to own an aircraft in a non-club capacity, he would be able to transfer the hangar position into the corporate name. We are only requesting he be allowed to do the same but in the club's name.

# Government Relations Update

April 2021

## Federal

- April 1, 2021 - The U.S. Department of Transportation's Federal Aviation Administration (FAA) awarded over \$627.7 million in FY2021 Airport Improvement Program Grants.
- April 2, 2021 – The CDC updated its travel guidance. Fully vaccinated people can travel within the United States and do not need testing or post-travel self-quarantine, but should continue to employ Covid-19 precautions while traveling.

## State

- Legislative Session continues. Week 7 (4/12-4/16) & Week 8 (4/19-4/23).
- CS/HB787 – NFRA local bill amended to remove compensation provision. Amended CS/HB787 approved by the Local Administration & Veterans Affairs Subcommittee and State Affairs Committee. On House Special Order Calendar, 2<sup>nd</sup> Reading on 4/15/2021.
- FAC is monitoring/tracking a number of key issues, including:

Legislative Issue	Status
State Budget	DeSantis' proposed budget = \$96.6 b (up \$4.3b from current fiscal year)
Florida Aviation Work Program	DeSantis' proposed budget = maintains current aviation program funding Both House and Senate have funded the grant program at \$325,896,494.
<i>Aviation Fuel Tax</i>	<i>No proposed bill at this time. FAC opposes.</i>
Certified Engineering Inspection	FAC Supports. Exempts airports from current requirement. HB57, SB1500, SB 1194 moving favorably through both House and Senate committees of reference.
Diesel Exhaust Fluid	New regulation re: use of DEF at airports. HB77 moving forward, SB1082 on committee agenda for 3/24. FAC has proposed best management practices and is lobbying on this legislation.
Ad Valorem Tax Exemption – Airport Leases	Bill seeks to clarify in law, issue being litigated by Hillsborough Property Appraiser. SB1702 & HB1555 have been filed and referenced, but not scheduled.
Commercial Service Airports	SB154 filed and referenced, but not scheduled.
PFAS	FAC supports legislation providing exemption for liability from the costs of clean-up/claims related to PFAS, as FAA requires substances for Aircraft Firefighting purposes. HB705 & SB1054 referenced to committees, SB1054 passed its first committee of reference. FAC is monitoring.
Turo/Peer-to-Peer Vehicle Transactions	FAC working to ensure parity for this line of business. HB708 & HB 785 filed, SB1466 voted forward in first committee, HB365 also passed House Ways & Means Committee.

Funding of Aviation Development Projects	FAC is monitoring and supporting a compromise language that allows FDOT to fund up to 80% of non-federal share of projects for emerging commercial service airports with fewer than 150,000 annual scheduled enplanements, or 7 years after FAA's initial commercial service airport designation or 2 contiguous years of 150k+.
--	--

## Operational Update

### Calendar Year Results – March 2021

- Air Traffic Volume - (2020)
  - **March 2021:**                    **10,458 (14,676)**                    YTD: **27,287 (38,635)**
- Fuel Volumes – Gallons (2020)
  - Self-Serve:
    - **100LL:**                    **19,985 (21,279)**                    YTD: **46,364 (58,430)**

### Operations & Training

- Taxiway “D” Construction Project began on March 15, 2021. Project updates and construction maps have been provided to tenants via email and website. Staff has also hosted a Zoom calls to provide information and answer tenant questions. Ed Wuellner provided a project briefing at SAAPA meetings on 3/13 & 4/10.
- March 19, 2021 – A joint training exercise was held onsite at NFRA, including representatives from the U.S. Coast Guard, St. Johns County Sheriff’s Office, St. Johns County Fire Rescue, and National Parks Service (aviation & marine units).



## Community Outreach

### In The News

- April 12, 2021 – NFRA’s SCADSP grant application mentioned in Daytona Beach News Journal Article, *“Daytona, St. Augustine airports vie for grants for possible flights to Chicago, Charlotte.”*
- March 21, 2021 – NFRA’s SCADSP grant application was mentioned in an AirlineGeeks.com article, *“Small Community Air Service Grants provide clues into Breeze Launch and Avelo Strategy.”*
- March 11, 2021 – The airport was referenced in USA Today/Golf Week article about a PGA Tour alternate’s last minute flight to participate in THE PLAYERS. *“PGA Tour Steve Stricker Players Championship”*

### In The News: Tenant News

- April 13, 2021 – Flying Magazine and other aviation media outlets have referenced Patty Wagstaff as one of the featured performers at Sun’N Fun 2021 in Lakeland, Florida.
- April 11, 2021 – St. Augustine Record referenced Hangar One Bistro and other local restaurants in an article on local labor supply. *“St. Augustine restaurant industry facing crippling labor shortage.”*
- April 5, 2021 – AFCEA Signal reported a \$195+ million contract modification award for Northrop Grumman to support the E-2D Advanced Hawkeye, including St. Augustine site work. *“Northrop Grumman is Supporting Advanced Hawkeye Aircraft.”*
- March 20, 2021 – AviationGeekClub.com published an article on the E-2D program hitting a key milestone and referenced the aircraft’s critical role in national defense. *“E-2D Community Achieves 28 Mission-capable E-2D Goal 5 Months Ahead of Target”*
- March 19, 2021 – FlightGlobal.com and other national and international news reported Northrop Grumman received a sole-source project award as a result of the E-2D’s unique capabilities. *“US Navy looks at Manned-Unmanned Teaming Role for E-2D Advanced Hawkeye”*

### Chamber/VCB/Attractions Assoc./Community

- March 26, 2021 - Authority members Bob Olson, Suzanne Green and staff attended a EDC Quarterly Breakfast at Sawgrass Marriott in PVB.
- March 24, 2021 – Reba Ludlow addressed the St. Augustine Beach Rotary Club.

### Aerospace Academy Advisory Board/FCTC

- March 11, 2021 – Airport staff participated in the FCTC Education Foundation meeting.

### TPO/TAC

- April 8, 2021 - Reba Ludlow participated in the TPO meeting and staff participated in the TAC meeting on April 7.

## Events Calendar

### General Information

#### **Aerospace Academy Advisory Board**

- April 21, 2021 – NFRA Conference Center

#### **North Florida Transportation Planning Organization**

- May 5, 2021, 10 am – TAC Mtg., Virtual / NFTPO Board Room
- May 13, 2021, 10 am – TPO Mtg., Virtual / NFTPO Board Room
- June 2, 2021, 10 am – TAC Mtg., Virtual / NFTPO Board Room
- June 10, 2021, 10 am – TPO Mtg., Virtual / NFTPO Board Room

#### **Chamber/VCB**

- May 6, 2021 – VCB State of Tourism (virtual)

#### **Conferences (ACI/AAAE/FAC/Air Service/MRO)**

- April 27-29, 2021 – MRO Americas, Orlando, FL
- May 4-6, 2021 – Routes Americas, Orlando, FL
- May 23-26, 2021 – AAAE Conference & Expo, Las Vegas, NV
- July 18-21, 2021 – Florida Airports Council 52nd Annual Conference, Jacksonville, FL
- August 11-13, 2021 – Volaire Air Service Forum, St. Augustine, FL
- October 24-26, 2021 – ACI-NA Annual Conference, Toronto, ON