

Regular Meeting Agenda

May 17, 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 –
 - VCB Presentation - Richard Goldman
 - Appeal – Lease Policy
 - Budget Development Guidance
- 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 –
 - SAAPA Patio Canopy Complete
 - Landscape Improvements Underway
 - Project Closeout to Begin
- Taxiway “D” –
 - Work Continues on Subgrade
 - Alternate Taxiway Routes Established
 - Working to Keep Affected Users Informed
- Legislative & Operational Update – (Carol Saviak)
 - Review of Local, State and National Items of Interest

Meeting Details

Business Partner Updates –

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



Business Items – VCB Presentation

Local Tourism Recovery Update

Richard Goldman

Meeting Details

Business Items – Appeal – Lease Policy

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

Board Discussion

Public Comment

Motion and Discussion

Action



Business Items – FY2021-22 Budget Development

Key Items Affecting Budget Development

- Capital Development Program/Grant Opportunities

Assumptions

- No Required Ad Valorem Tax Assessment

Save the Dates

June 21st @ 4pm – Preliminary Budget Presentation

July 12th @ 4pm – TRIM Action

September 13th @ 5:01pm 1st Public Budget Hearing

September 20th @ 5:01pm Final Public Budget Hearing

Board Discussion

Public Comment

Direction to Staff



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



Wrap-up Items

Proposed Meeting Dates

- Regular Meeting – June 21, 2021 @ 4pm
- Proposed Meeting – July 12, 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

May 2021

Federal

- April 19, 2021 – US Dept. of State updated its international travel advisory – and now categorizes 80% of foreign nations as “Level 4: Do Not Travel.” CDC international travel guidance currently requires all air passengers coming into the U.S.—inc. U.S. citizens—present a negative COVID-19 test result/proof of recovery prior to boarding.
- CDC issued a letter to outlining conditions for cruise lines to resume sailing. In April, State of Florida filed a lawsuit against the CDC on behalf of cruise industry.

State

- May 3, 2021 – Governor Ron DeSantis issued Executive Order 21-101 (*invalidating all remaining local emergency orders based on the COVID-19 emergency*) and Order 21-102 (*suspending all remaining local government mandates and restrictions based on the Covid-19 State of Emergency*).
- April 30, 2021 - Legislative Session concluded. Special session on Gaming (Seminole Compact) to be held week of May 17.
- April 29, 2021 – NFRA local bill CS/HB 787 passed unanimously by the House & Senate as amended without the stipend provision. Bill has been enrolled and will be transmitted to Governor DeSantis for his review and action.
- FAC-monitored legislation results:

Legislative Issue	Status
State Budget*	\$101.5 billion budget passed (\$10.2 B ARP \$, \$6.7 B > next FY, \$3.5 B into Reserves, must use funds by 2024)
FDOT / Transportation Work Program	\$10.3 B / \$9.2 B
State Aviation Grant Program	\$325,896,494
Aviation Fuel Tax	No legislation/amendments filed.
Certified Engineering Inspection	SB 1194 passed. Exempts airports from current CEI law.
Diesel Exhaust Fluid	HB 77 passed. Creates new DEF safety plan requirement.
Ad Valorem Tax Exemption/Leases	Proposed legislation did <u>not</u> pass.
Commercial Service Airports	Proposed legislation did <u>not</u> pass.
PFAS	Proposed legislation did <u>not</u> pass.
Turo/Peer-to-Peer Vehicle Transactions*	CS/CS/SB 566 passed. New law regulating “Turo” and peer-to-peer car-sharing services. Final bill did <u>not</u> contain FAC-requested language.
Funding of Aviation Development Projects	Proposed legislation did <u>not</u> pass. Legislation allowing FDOT to fund 80% of shared project costs for emerging commercial service airports.
Public Works Projects *	HB 53 passed. New regulations pertaining to public contracting/procurement practices.
Dept. of Transportation *	FDOT agency bill - SB 1126 passed.
Special District Accountability *	CS/CS/CS HB1103 passed. Requires additional information be included in annual financial reports/audit reports.

* = Now pending Governor DeSantis review and action.

Operational Update

Calendar Year Results – April 2021

- Air Traffic Volume - (2020)
 - **April 2021:** **10,521 (9,319)** YTD: **37,808 (47,954)**
- Fuel Volumes – Gallons (2020)
 - Self-Serve:
 - **100LL:** **17,495 (13,496)** YTD: **63,859 (58,430)**
 - Self-Serve:
 - **100LL:** **8,184 (0)** YTD: **32,418 (32,218)**
 - **Jet A:** **135,025 (47,571)** YTD: **499,402 (410,833)**

Operations & Training

- April 19, 2021 – Kevin Harvey conducted airport driving/familiarity training for St. Johns Fire Rescue units.
- Taxiway “D” Construction is well underway. Electrical duct and taxiway limerock sub-base installation this week.

Community Outreach

In The News

- May 2, 2021 – St. Augustine.com editorial referenced Casacola farmstead at today's Northeast Florida Regional Airport, *"Spanish East Floridians in 1812: Get rid of the filibusters!"*
- April 15, 2021 – FirstCoastNews.com reporter Jessica Clark produced a news story about the airports SCADSP grant application, *"Trays in the Upright Position? St. Augustine airport wants to be back in commercial flight biz"*

In The News: Tenant News

- May 5, 2021 – AviationNews.com referenced Patty Wagstaff's participation in the live online "Armchair Airshow" on May 29 hosted by Aerobility & London Biggins Hill Airport which will also raise funds for flying scholarships for youth with disabilities, *"Armchair Airshow leading the Way into the Returning Season."* (ArmchairAirshow.com)
- May 1, 2021 – AOPA.com featured comments by Patty Wagstaff in an article about aerobatic instruction, *"Roller Coaster Ride: Skills, Precision, Safety, and Confidence – The Benefits of Aerobatic Flying"*

Chamber/VCB/Attractions Assoc./Community

- May 6, 2021 – Airport staff attended the VCB Annual State of Tourism Event (virtual).

Aerospace Academy Advisory Board/FCTC

- May 4, 2021 – Airport staff assisted with with Aerospace Academy intern interviews.

TPO/TAC

- May 13, 2021 - Reba Ludlow participated in the TPO meeting and staff participated in the TAC meeting on May 5.

Events Calendar

General Information

North Florida Transportation Planning Organization

- June 2, 2021, 10 am – TAC Mtg., Virtual / NFTPO Board Room
- June 10, 2021, 10 am – TPO Mtg., Virtual / NFTPO Board Room
- August 4, 2021, 10 am – TAC Mtg., Virtual / NFTPO Board Room
- August 12, 2021, 10 am – TPO Mtg., Virtual / NFTPO Board Room

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

- July 11-13, 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