NOTICE OF JOINT PUBLIC SPECIAL MEETING AND AGENDA

Airport Office Building Conference Room
200 Aviation Drive North, 2nd Floor
Naples, Florida 34104
(at the Naples Municipal Airport)

Mayor: Teresa Heitmann
Vice Mayor: Ted Blankenship
City Council Members:
Berne Barton, William Kramer,
John Krol, Linda Penniman, and Scott Schultz
City Attorney: Matthew McConnell
City Clerk: Patricia Rambosk
City Manager: Gary Young

Naples Airport Authority Board:
Chair: Terrence W. Cavanaugh
Vice Chair: John Crees
Board Members:
Ralph Alberto, Michelle Arnold, and Robert P. Burns
Executive Director: Chris Rozansky
Authority Attorney: William L. Owens

One or more other elected or appointed officials
may be in attendance at this meeting.

Welcome to today's Joint Public Special Meeting between the City of Naples City Council and the City of Naples Airport Authority Board. If you wish to address the City Council or Authority Board regarding an item listed on this agenda, please complete a registration form at the rear of the room and place it in the Speaker Request Box located on the dais prior to consideration of that item. Public comments will be heard during Item 4 and during specific agenda items. Another opportunity for public comments will be provided at the end of the meeting. We ask that speakers limit their comments to 3 minutes and that large groups name a spokesperson whenever possible. Thank you for your interest and participation.

Pledge of Civility

It is the desire of the City of Naples and the City of Naples Airport Authority to encourage the open exchange of ideas, fair discussion of the issues, and the participation of all persons in government, therefore, we pledge to be respectful of each other even when we disagree, to direct all comments to the issues, and to avoid personal attacks during all meetings and workshops.

Joint Public Special Meeting between City of Naples City Council
and City of Naples Airport Authority Board
Thursday, September 17, 2026
1:00 PM

All proposed ordinances, documents and information relating to the agenda items listed below, which have been provided in advance of this meeting, may be inspected (i) in the office of the City Clerk, Room B, City Hall, or on the City of Naples home page

(https://www.naplesgov.com/) or by calling the City Clerk's Office, 213-1015 and (ii) at the office of the Authority's Executive Assistant, General Aviation Terminal Building, 2nd Floor, 160 Aviation Drive North, Naples, Florida 34104 or on the Authority's website (https://www.flynaples.com/agendas-minutes-videos/) or by calling the office of the Authority's Executive Assistant (239-643-0733). All written, audio-visual, and other materials presented to the City Council or Authority Board in conjunction with deliberations during this meeting will become property of the City of Naples and City of Naples Airport Authority and will be retained by the City Clerk and City of Naples Airport Authority.

1. **CALL TO ORDER AND ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

3. **SET AGENDA (add or remove items)**

4. **PUBLIC COMMENTS**

5. **BOTH CITY OF NAPLES AND CITY OF NAPLES AIRPORT AUTHORITY CHAPTER 164 CONFLICT RESOLUTION PROCESSES: Consider the statement of issues prepared in the conflict assessment phase, try and seek an agreement and possibly schedule additional meetings if needed of the entities in conflict, or of their designees, to continue to seek resolution of multiple issues of conflict, including, without limitation, the following:**

   City of Naples' Ch. 164 Conflict Resolution Process: (a) whether the conversion of the Airport Authority from a dependent special district of the City to an independent special district of the State through House Bill 4005 frustrates the purpose upon which the lease and related agreements were entered, rendering them unenforceable; (b) whether House Bill 4005 effects a transfer of the power to operate the Naples Airport in a manner that requires referendum approval under Article VIII, Section 4 of the Florida Constitution; (c) whether the conversion of the Airport Authority from a dependent special district to an independent special district through House Bill 4005 created a new independent district without complying with the requirements of section 189.031, Florida Statutes; (d) whether the new, stringent qualification requirements for election to the board of the Airport Authority unlawfully restrict candidacy, voter choice, or other protected rights; and (e) any other issue, argument, claim, or dispute arising out of or related to House Bill 4005, the statutory authority of the Airport Authority, the lease or other agreements between the parties, the City's ownership interests, or the operation, control, or governance of the Naples Airport; and

   City of Naples Airport Authority's Ch. 164 Conflict Resolution Process: (a) whether the City's attempts to exercise land use, zoning, and other authority over aeronautical land uses and activity at the Airport is preempted by federal law and contrary to Florida law; (b) whether the City may terminate or deem unenforceable the 99-year lease between the City and the Authority, dated December 3, 1969 (the "Lease") without first obtaining Federal Aviation Administration approval to close the Airport pursuant to federal law or first obtaining an Airport Operating Certificate and becoming an airport sponsor pursuant to federal law; (c) whether the City may terminate or deem unenforceable the Lease without the Authority's consent unless it first obtains Federal Aviation Administration approval for a change in ownership or governance of the Airport; (d) whether the City can obtain an Airport Operating Certificate and become an airport sponsor pursuant to federal law without obtaining the approval of the Federal Aviation Administration, which approval is subject to federal law, so long as the Authority does not consent to such actions by the City; (e) whether the City can obtain an Airport License pursuant to Florida law, if the Authority does not

consent to such actions by the City; and (f) any other issue, argument, claim or dispute arising out of or related to laws affecting the Authority, the City or the Airport, the Lease or other agreements between the City and the Authority, regulation of aeronautical land uses and activity at the Airport and/or the respective rights and interests of the City and the Authority with respect to the Airport and related matters.

Key Principles of Proposed Settlement

6. DISCUSS POTENTIAL RESOLUTIONS

7. DISCUSS MEDIATION

8. PUBLIC COMMENTS

9. COMMUNICATIONS AND CORRESPONDENCE

10. ADJOURNMENT

NOTICE

FORMAL ACTION MAY BE TAKEN ON ANY ITEM DISCUSSED OR ADDED TO THIS AGENDA. ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL OR AUTHORITY BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING (OR HEARING) WILL NEED A RECORD OF THE PROCEEDINGS AND MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE HEARD. ANY PERSON WITH A DISABILITY REQUIRING AUXILIARY AIDS AND SERVICES FOR THIS MEETING MAY CALL (I) THE CITY CLERK'S OFFICE AT (239) 213-1015 OR (II) THE OFFICE OF THE AUTHORITY'S EXECUTIVE ASSISTANT AT (239) 643-0733 WITH REQUESTS AT LEAST TWO BUSINESS DAYS BEFORE THE MEETING DATE.

This proposal is intended for settlement purposes only. Nothing contained herein shall be construed as a waiver, impairment, limitation, admission, concession, or relinquishment of any claim, defense, argument, remedy, or right of either Party, all of which are expressly reserved.

1. **City Health, Safety, and Regulatory Authority**. Nothing in the Lease and Settlement Agreement shall foreclose the City's exercise of generally applicable police, health, safety, building, fire, environmental, stormwater, and similar regulatory authority, except to the extent application of a particular requirement is preempted by or conflicts with applicable federal law.

2. **Land Use Oversight**.

   2.1. The Authority will regularly submit a Utilization Plan that is either identical or substantially similar to the most recent Airport Layout Plan (ALP) set. The Utilization Plan will show all existing, short term (1-5 years), and future (5+ years) projects and be in accordance with FAA requirements for preparation of an ALP. Projects within section 2.3 and projects determined pursuant to sections 2.4 and 2.6 not to require discretionary City land-use approval will be shown for informational purposes only and will not require discretionary City land-use approval, without limiting otherwise applicable administrative, building, fire, environmental, or similar regulatory review under Section 1. All proposed vertical projects must be shown with maximum building dimensions or square footage.

   2.2. **Initial Utilization Plan.** Within a period to be established in the Lease and Settlement Agreement following its effective date, the Authority will submit an initial Utilization Plan prepared in accordance with this Section. The initial Utilization Plan will identify existing facilities and planned projects then reasonably anticipated by the Authority and will be subject to the review, classification, and dispute-resolution principles set forth in Sections 2.3 through 2.9.

   2.3. The Utilization Plan will designate certain projects on the Utilization Plan for information only because they are ***not*** subject to City approval. Such projects are those listed within this subsection or substantially similar to those listed, so long as they are on existing Authority-owned or leased property. The Lease and Settlement Agreement will include language that these exceptions should be construed narrowly. Projects that are not themselves within a listed category, and merely relate to a project within this subsection, must be separately designated and independently qualify under the applicable provisions of this Section.

2.3.1. Projects designated by the Authority under Section 2.3 will be presumed to qualify for informational-only treatment. The City may challenge such designation only on the ground that the project, or an identified portion thereof, does not fall within the applicable category described in Section 2.3. Any such challenge must identify the specific basis for the objection. The Authority may proceed with the project until any dispute is resolved under an expedited procedure for resolving such challenges.

2.3.2. involving construction, reconstruction, relocation, repair, rehabilitation, or modification of runways (however City Council approval shall be required should the NAA intend on purchasing land to extend a runway), taxiways, taxilanes, run-up areas, or blast pads, including drainage, grading, pavement, markings, lighting, and signage integral to such projects; or

2.3.3. involving work within such areas to the extent necessary to establish, maintain, restore, or preserve FAA-designated safety and airspace areas, including the Building Restriction Line (BRL), Runway Safety Areas (RSA), Runway Object Free Area (ROFA), Taxiway Safety Areas (TSA), Taxiway Object Free Area (TOFA), Taxilane Object Free Area (TLOFA), and Runway Visibility Zone (RVZ); or

2.3.4. involving facilities dedicated to federal aviation-related functions or facilities, including an Air Traffic Control Tower, U.S. Customs and Border Protection facilities, weather and observation systems; or

2.3.5. needed to provide airfield lighting, electrical systems and vaults, navigational aids, communications, or other infrastructure directly supporting aircraft operations; or

2.3.6. needed for Aircraft Rescue and Firefighting facilities, emergency access and perimeter roads, security fencing, gates and access-control systems, wildlife-hazard mitigation, and emergency operations facilities.

2.4. The Utilization Plan may also designate projects within the following categories for which the Authority **proposes** that all or specified portions of the project not be subject to discretionary City land-use approval. Such projects are those listed here or substantially similar to those listed here:

2.4.1. Intended for the temporary or long-term parking, storage, servicing, loading, or movement of aircraft, including hangars, aircraft parking aprons, ramps, and related taxilanes;

2.4.2. passenger terminals and related passenger-processing, baggage-handling;

2.4.3. aviation fuel farms and related infrastructure for fueling, sustainable aviation fuel, fuel-storage, and aircraft-charging; and

2.4.4. fixed-base operator, aircraft maintenance, repair and overhaul, flight instruction, aircraft sales, charter, air cargo, and other aeronautical tenant facilities that require or materially benefit from direct access to the airfield.

2.5. All other projects not within Section 2.3 or designated exempt pursuant to Section 2.4 (or, if the Section 2.4 designation is disputed, determined pursuant to Section 2.6 to be exempt) from discretionary City land-use approval, will be subject to City land-use review and approval through the Utilization Plan process.

2.6. Disputes concerning whether a project, or an identified portion of a project identified in section 2.4 is subject to discretionary City land-use approval or whether a particular City requirement may lawfully be applied to a project will be resolved during review of the Utilization Plan. Neither the City nor the Authority will have unilateral final authority to resolve such disputes. The parties will establish an expedited independent dispute-resolution process. A determination made pursuant to that process at the Utilization Plan stage will govern subsequent implementation of a project so long as it materially conforms to the approved Plan.

2.6.1. The Authority will identify any claimed exemption from City land-use approval, and the basis for that claim, when the project is submitted in the Utilization Plan. The Lease and Settlement Agreement will establish the form, timing, and procedures for such notice.

2.7. The City may request additional information necessary to evaluate the Authority's position. City will review and act upon the Utilization Plan in accordance with applicable City Code and Comprehensive Plan requirements, as modified or supplemented by these principles.

2.8. The City's review and approval process for the Utilization Plan, excluding any dispute-resolution process under Section 2.6, will be completed within 150 days after submission of a complete Utilization Plan, unless extended by agreement of the parties or pursuant to extension procedures established in the Lease and Settlement Agreement.

2.9. Following City action on the Utilization Plan, projects that materially conform to the approved Utilization Plan will not require further discretionary land-use approval by the City Council or other City land-use bodies.

Projects will remain subject to applicable administrative, ministerial, building-code, fire-code, environmental, permitting, and similar reviews. The City Planning Department and Design Review Board will be authorized to administratively review site plans and issue permits in compliance with the building code and similar administrative reviews. The Design Review Board's review will be limited to

architectural design standards and landscaping and will not reopen the underlying land-use approval.

3. **City Code and Comprehensive Plan.** The parties recognize that specific amendments to the City Code and Comprehensive Plan may be necessary to implement the land-use and approval framework established by the final Lease and Settlement Agreement. Such amendments will be identified as part of the final settlement package and will be considered and processed by the City in accordance with applicable law and required legislative procedures. The effectiveness of any Lease and Settlement Agreement provision requiring such an amendment may be conditioned upon the effectiveness of the corresponding amendment.
4. **Term**. 82-99 years from the effective date.
5. **Payments and Rent.** The Authority proposes to make an annual payment during years 1-42 of $240,000. Beginning in year 43, the Authority proposes to pay rent of $2.4m per year (in present time value using a methodology to be discussed.)