Thursday, March 17, 2022
Naples Airport Authority: Regular Meeting

The meeting was called to order by Chair Dustin at 8:31 a.m. in the Council Chambers at City Hall.

A. ROLL CALL

1. Roll Call

Present were Chair Dustin, Vice Chair Ruppert, Commissioner Lenhard, Commissioner Messer and Commissioner Cuddihy.

Staff and Authority Counsel present were Mr. Rozansky, Mr. Owens, Ms. Cooper, Mr. Keith, Mr. Warriner, Mr. Gray, Mr. Brown, Mr. Gamboa, Mr. Burch, and Ms. Menard.

B. PLEDGE OF ALLEGIANCE

Chair Dustin led the Pledge of Allegiance.

C. AGENDA

Mr. Rozansky noted the following changes to the Agenda:

- Action Item 11, Assignment, Amendment and Restatement of Leasehold Agreement from Joelle Development, LLC to Cox Automotive LLC, was added to the agenda. He said that this is a lease assignment which updates our standard form lease to include the voluntary curfew language. The previous Action Item 11 will be resequenced to Action Item 12.

- There was a minor correction to the February 17, 2022 Regular Meeting minutes which were provided to the Board of Commissioners in advance of the meeting. The correction appears on page 8, in the last sentence of paragraph 2 under N. Correspondence/Commissioner Comments & Requests/Meetings. The corrected sentence will read as follows:

  Mr. Rozansky added that in Commissioner Messer's discussion with FlexJet, 90% are business travelers who live in Naples" rather than *"Mr. Rozansky added that in Commissioner Messer's discussions, 90% are business travelers who live in Naples.*

D. MINUTES

1. February 17, 2022 Regular Meeting Minutes

Commissioner Lenhard moved approval of the February 17th Regular Meeting minutes as corrected and noted above. Vice Chair Ruppert seconded. Motion passed unanimously 5-0.

2. February 22, 2022 Consultant Selection Committee Meeting Minutes

Vice Chair Ruppert moved approval of the February 22nd Consultant Selection Committee Meeting minutes. Commissioner Messer seconded. Motion passed unanimously 5-0.

E. PRESENTATIONS AND TIME CERTAIN ITEMS

1. Noise Compatibility Committee Applicant Interviews

Ms. Cooper provided introductory comments regarding the open Southwest Quadrant position that was vacated by a retiring member of the NCC. She stated that the candidate selected today will serve the remainder of the term. She provided an overview of the applicant process that resulted in four applications being received by the February 28th due date. She added that Mr. Larry Bennell, Mr. Bob Coletti and Mr. Calvin Koonce were present today. In response to Vice Chair Ruppert's question regarding the candidate, Mr. Donald Allen, she said that he was absent. She further clarified that Mr. Allen did not respond to calls to complete the application materials. Chair Dustin also noted that Mr. Allen did not provide a biography and did not take advantage of an airport tour. Ms. Cooper stated that the Board will make the NCC appointment during Action Item 1.

Chair Dustin stressed the importance of the candidate interviews during this critical time and informed the applicants that it is the Board's responsibility to have a serious and in-depth discussion in order to get to know them. He stated that the appointed NCC applicant could face intense public scrutiny, lobbying or pressure from interest groups and their decisions will have a great impact on the citizens of Naples and Collier County. He added that each Commissioner is governed by the Sunshine law and are only allowed to have a thorough review during a public meeting. He wanted to confirm that each applicant understood and was prepared to serve under these conditions.

Commissioner Messer conveyed the importance of the NCC's role. She said that the NCC has helped us to get to the point where we are right now with the FAA and with the Part 150 Noise Study. She said that the NCC helps to guide us and listens to the community, and the Authority counts on NCC members to bring ideas and suggestions from the community. She agreed with Chair Dustin that it is important that the appointed member is nonbiased, a good listener for the community, and prepared to serve.

Chair Dustin defined the roles of the Noise Compatibility Committee and the Technical Advisory Committee.

Mr. Larry Bennell, 1525 Marlin Drive, Naples, provided an overview of his background and noted his extensive aviation experience as a pilot. A question-and-answer period followed.

Mr. Bob Coletti, 859 Nelson Walk, Naples, commented that Mr. Bennell was his family's pilot and didn't know Mr. Bennell was interviewing today. He added that there wasn't anyone who knew more about aviation than Mr. Bennell and that if the Board was seeking a candidate with an aviation background, they couldn't make a better choice. Mr. Coletti provided an overview of his

background as a corporate attorney and his experience in negotiations. A question-and-answer period followed.

Mr. Calvin Koonce, 1575 Gulf Shore Boulevard South, Naples, provided an overview of his background and experience. He said that he lives directly under the flight path and despite the wonderful work that the Authority has done since his move here about five years ago, the traffic continues to increase, and the noise has gotten worse. If appointed to the NCC, he said that he would have credibility with citizens who are experiencing the same impact of noise living under the flight path. A question-and-answer period followed.

F. PUBLIC COMMENTS

City Councilwoman Beth Petrunoff commented that she was fortunate to be a member of the NCC and expressed concern about noise being a contentious issue. She said that the amount of aircraft noise does not align with the City's Comprehensive Plan to operate within the best interest of the City. She said that it is misleading to think that only a few people are complaining about noise when many others have stopped writing about it. Rather than wait on the Noise Study to be completed, she suggested that we look aggressively at quick hits and think out of the box to immediately reduce noise. She said that the surge in population during season creates angst and she was shocked to learn the number of operations per year. She commented that over 1,000 jets breaking curfew is nothing to be proud of. Although there is a positive economic impact and enjoyment for people flying in and out of the airport, she said that there is a downside that effects a huge number of people including the concern of flying over schools. She said that she plans to be active on the NCC and looks forward to working with the Authority. She thanked the Board for serving on one of the hardest committees in the City.

City Councilman Michael McCabe commented that during the NCC interviews, he was struck by the Board's bias in asking questions to determine the amount of experience the applicant had as a professional pilot, or user of the airport. He expressed that the NCC needs to be an unbiased committee, not represented by one genre, and that the members need to represent all in the community. He felt that the term, Noise Compatibility Committee, was an oxymoron since noise is not compatible with the needs of all citizens. He urged the Board to appoint a member who will truly represent all citizens.

Commissioner Messer said that when asking questions about bias, she was thinking of bias from one way or the other and when asking about the person's experience, it is to gauge their knowledge. She added that there are two pilots on the NCC out of nine members and that from her standpoint, having a diverse group of people is not a bias, it is a different perspective. She said that the NCC members are all residents but bring different levels of education, experience, and perspectives.

Commissioner Lenhard stated that the Board is not biased but are asking questions to gain an understanding of the applicant's knowledge. He said that the candidates were asked about their involvement in the community and their feelings about the people they interact with every day to determine if they are prepared to take on this role because it is a community issue.

Chair Dustin reminded the audience that, Mr. Byerly, who was a tenant and a pilot, had recently reapplied for appointment to the NCC. Although the Board appreciated his willingness to serve,

he had been on the Committee for a long time and a different candidate was appointed in order to gain fresh knowledge. Chair Dustin stated that it has been his experience that the Authority Board of Commissioners is an unbiased group, and that in asking questions, Commissioners are trying to find any special technical expertise that will be helpful in evaluating and getting better solutions.

G. ACTION ITEMS (Public comments accepted for each item; 5-minute limit)

1. Noise Compatibility Committee Member Selection

Regarding the discussion about being unbiased, Commissioner Cuddihy asked for clarification about Committee members' roles in serving their specific quadrants or serving the City in its entirety. Ms. Cooper explained that generally, members serve the entire community, but they are the conduits to provide ideas and feedback from their respective representative area.

Commissioner Messer pointed out that in reference to bias, she said that the Board is seeking people to be open minded about all perspectives which is difficult to do when you are experiencing some of the challenges. If you are representing a quadrant, she clarified that the member is representing the entire quadrant, which consists of several communities, even if you are part of one community.

Commissioner Lenhard stated that pilots bring technical knowledge about aviation, flight paths, altitudes, speeds, etc., that are all related to noise, and having a basic or extended understanding of these areas doesn't exclude them from being able to understand the community's noise issues. He believes that pilots enhance the ability to help the community and shouldn't be prejudged as not good for the community. He added that if you have no aviation experience whatsoever, you can provide feedback and input but there is a big learning curve in understanding aircraft procedures.

Chair Dustin added that education is a major part of improvement of noise and that it is essential to have some pilot input.

On staff's behalf, Mr. Rozansky stated his appreciation for diversity of thought and balance between those who have experience in aviation but also those who have a perspective from the community through networking and relationships. He said that it all works together. These committees are established in part by geographic region, and we do expect them to reach out to the communities in their respective quadrants, their neighborhood, other neighborhoods, and be a conduit both to the committee and from the committee.

Mr. Owens provided an overview of the nomination appointment procedure.

Chair Dustin thanked all three candidates for their presentations. He expressed that it was a difficult decision for him because each candidate brought a different point of view, and each would be a very good choice. He nominated Mr. Larry Bennell for appointment.

Chair Dustin added that the candidate who did not appear and did not take the airport tour did not receive his consideration.

There were no other nominations.

After a roll call vote, the Board unanimously approved the appointment of Mr. Bennell to serve on the Noise Compatibility Committee for the remaining term vacated by the previous retiring member, expiring March 31, 2025.

Mr. Rozansky said that the names of the two candidates not selected today will be added to the Authority's email list for the Noise Study and Noise Compatibility Committee communications. He strongly encouraged their continued participation. Chair Dustin echoed those thoughts.

Commissioner Cuddihy expressed her surprise that there were so few people who applied for the NCC and TAC positions.

Commissioner Ruppert applauded all three candidates for applying. He noted that very few people have the courage, the intelligence, expertise, and confidence to stand up without a lot of fanfare to be part of the solution. He stated that even though two of the candidates were not selected, they have his respect and thanked them for being good citizens of Naples.

Commissioner Cuddihy said that she would be happy to meet with the two candidates who were not selected to hear their thoughts, perspectives, and ideas on what might be helpful.

2. Technical Advisory Committee Members

Ms. Cooper requested Board approval for representation on the Technical Advisory Committee (TAC). She said that the TAC was established particularly for the Naples Part 150 Noise Study. She said that there was a recent resignation from the Southwest Quadrant and one candidate expressed an interest to serve.

Mr. Michael Bingaman introduced himself. Commissioner Messer thanked him for his willingness to serve and complimented him on his background and collaborative skills. She said that his skills will lend greatly to what the Committee is trying to accomplish.

In response to Commissioner Ruppert's question regarding a specific experience that dealt with a controversial and/or sensitive issue, Mr. Bingaman shared a serious incident that occurred with a co-worker where the general consensus was to terminate the person's employment. Mr. Bingaman assisted in working out a solution, and he reported that the person is still employed by that company today. Mr. Bingaman responded to other questions regarding how he would approach people with different viewpoints and how he would have his voice heard.

Commissioner Lenhard moved Board approval of ESA's recommendation for the appointment of Mr. Michael Bingaman as the Southwest Quadrant member of the Technical Advisory Committee. Commissioner Cuddihy seconded. After a roll call vote, the motion passed unanimously 5-0.

Chair Dustin stated that Mr. Gary Price requested to serve as a community-at-large member of the Technical Advisory Committee, but the new City Council liaison to the TAC expressed concern about this. Chair Dustin determined that the Board should defer Mr. Price's request.

3. Consultant Selection Committee Ranking of Firms for Public Relations and Marketing Services and Authorization to Execute a Professional Services Agreement

Mr. Zac Burch requested Board authorization for the Executive Director to execute a Professional Services Agreement with Garth Solutions, Inc. for public relations and marketing services due to the expiration of the Authority's current agreement. He provided an overview of the RFP process and stated that the Consultant Selection Committee met on February 22nd to interview the three responding firms and ranked them as follows:

1. Garth Solutions, Inc.
2. Aqua Marketing & Communications, Inc.
3. Wilson Creative Group

Mr. Burch said that Ms. Yvonne Garth and her team were in the audience to answer any questions.

Commissioner Messer moved Board approval of the rankings as presented by Mr. Burch and moved Board approval for the Executive Director to negotiate and execute a Professional Services Agreement with Garth Solutions, Inc. Vice Chair Ruppert seconded. After a roll call vote, the motion passed unanimously 5-0.

4. Renew Employee Benefits for $1,445,084

Mr. Warriner requested Board authorization for the Executive Director to renew employee benefits effective May 1, 2022, for $1,445,084. He said that the amount is based on current employment of 97 employees out of 107 employees who are eligible. He said that this amount will change based upon additional budgeted new hires and/or employees changing their benefit package options during open enrollment.

Mr. Warriner reviewed the process taken by the Human Resources and Finance Departments alongside BKS Partners, the Authority's benefits broker, to solicit proposals from insurers in the marketplace and negotiate the benefits renewal to bring forth the best options for consideration. Mr. Warriner stated that Mr. Garrett Gardi, a partner at BKS, was in the audience today to respond to any questions.

Chair Dustin said that he found out last night that one of his family members had a summer internship with Guardian Insurance, which is one of the ancillary carriers for dental, vision, life and disability insurance. He asked Mr. Owens if he should not vote on this item. Mr. Owens cautioned that this could rise to a potential conflicting relationship and recommended he abstain from voting on this item. Mr. Owens stated that Chair Dustin will need to complete Form 8B, a Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. After clarification that the family member works for the ancillary insurance carrier and not BKS Partners, Mr. Owens stated that the relationship makes it one more or two times removed from the Authority's benefits broker making it a question as to whether he needs to abstain. Commissioner Lenhard suggested Chair Dustin to abstain, given the current atmosphere. Chair Dustin abstained from the vote.

Regarding the coverage summary and corresponding renewal costs for May 1, 2022 to April 30, 2023, Mr. Warriner stated that the health insurance coverage was the biggest increase in dollars. He added that the team was able to further negotiate a 3.5% increase with Florida Blue after it was initially negotiated down from 15%. Over the last five years, he said the Authority's average increase for health insurance has only gone up 1.4%.

In response to Commissioner Cuddihy's question regarding why staff was recommending Florida Blue as opposed to United Healthcare who proposed a 9% decrease from our current premiums, Mr. Gardi stated that balancing the sustainability and longevity of the relationship is important for future negotiations versus the risk of changing without a historical relationship. He added that a change probably would have been recommended if we were not able to negotiate down from 15% to a 3.5% rate. There was discussion regarding the disruptions of a carrier change to our employees as there is a litany of soft costs that eat away at the upfront initial savings.

In response to Vice Chair Ruppert's question regarding the increase in long term disability coverage, Mr. Gardi explained that claims are on the rise and with only 97 employees on the plan, the Authority is placed in a "pooled group".

Commissioner Lenhard moved Board approval for the Executive Director to renew employee benefits effective May 1, 2022 for $1,445,084 as presented by Mr. Warriner. Vice Chair Ruppert seconded. Motion passed 4-0 with Chair Dustin abstaining from this vote.

5. Assignment and Amendment of Leasehold Agreement from Hartford Realty LLC to 240 Aviation Drive N, LLC

Ms. LeDuc requested Board authorization for the Executive Director to execute an Assignment and Amendment of Leasehold Agreement from Hartford Realty LLC to 240 Aviation Drive N, LLC. She said that Hartford Realty is the current holder of a leasehold interest for property located at 240 Aviation Drive North, in the east quadrant of the airfield. She said it is currently subleased for aircraft storage, flight training operations, and office space. She said that Hartford is requesting the Authority's consent to assign the Lease to 240 Aviation for continuation of the current uses in the short term. Over the next several years, she said that the facility will be renovated and converted for use by Jet 1 as a dedicated facility for their managed aircraft customers. Ms. LeDuc stated that both Jet 1 and 240 Aviation Drive N, LLC are controlled by the same individuals.

Mr. Keaton Phillips, representing Jet 1, introduced himself. He said that he would be happy to answer any questions the Board may have of the intended use of the property or anything about its operation in general. In response to Commissioner Cuddihy, Mr. Phillips stated that his company is a private aviation sales charter and management company and their primary goal and interest in the space is the use of the hangar. He said that there is some ramp space that would be of benefit as well because they are currently located at 101 and 111 Aviation Drive North and they do not have much apron. He said that anytime they have an aircraft staged and in the way of the some of the t-hangars nearby, they have to tow the aircraft back into the hangar and then back out when their clients arrive.

There was discussion about the Authority's wait list, the use of the space that Naples Air Center occupies and their commitment to abide by the curfew policy.

Commissioner Lenhard moved Board approval for the Executive Director to execute an Assignment and Amendment of Leasehold Agreement from Hartford Realty LLC to 240 Aviation Drive N, LLC. Vice Chair Ruppert seconded.

City Councilwoman Petrunoff asked if this item and the following action items would result in more growth at the airport. Chair Dustin explained that this item is a change of ownership and that all of the items being presented today are for hangars that are already developed. Mr. Rozansky stated that it is a misnomer that adding another hangar results in more activity. He provided an example of an aircraft that comes in from Ohio to bring a family who resides in Aqualane Shores, then leaves because there is no place to park, and then comes back to pick up the family when they are ready to return. He explained that if they had a hangar to park their aircraft, it would result in one less flight. Councilwoman Petrunoff wanted reassurance that the airport is not growing and thereby exacerbating the problem, because the citizens have no more appetite for anymore growth.

After a roll call vote, the motion passed unanimously 5-0.

6. Consent to Encumbrance and Agreement with Lender for 240 Aviation Drive N, LLC

In connection with the acquisition of the Hartford Realty Leasehold, Ms. LeDuc requested Board authorization for the Executive Director to execute a Consent to Encumbrance and Agreement with Lender for a leasehold mortgage with First Horizon Bank in order to finance the 240 Aviation Drive N purchase. The proposed Consent Agreement is a standard form prepared by the Authority's legal counsel.

Commissioner Cuddihy moved Board approval for the Executive Director to execute a Consent to Encumbrance and Agreement with First Horizon Bank for 240 Aviation Drive N. Commissioner Messer seconded. The motion passed unanimously 5-0.

7. Consent to Encumbrance and Agreement with Lender for Industrial Equities of Florida, LLC

Ms. LeDuc requested Board authorization for the Executive Director to execute a Consent to Encumbrance and Agreement with the lender, Northern Trust Company, for the benefit of Industrial Equities of Florida, LLC. She said that Industrial Equities is the current holder of a leasehold interest for property in the north quadrant of the airfield at 310 Freedom Way for private aircraft storage and has requested a leasehold mortgage that encumbers the rights, title, and interest in the land lease in favor of the lender. She said the agreement is the standard form prepared by Authority Counsel.

Commissioner Lenhard moved approval for the Executive Director to execute a Consent to Encumbrance and Agreement with the lender, Northern Trust Company, for the benefit of Industrial Equities of Florida, LLC. Vice Chair Ruppert seconded. The motion passed unanimously 5-0.

8. Lease Amendment with Marco Hangars, LLC

Ms. LeDuc requested authorization for the Executive Director to execute a Second Amendment of Leasehold Agreement with Marco Hangars, LLC. She said that Marco Hangars is the current holder of the land lease in the north quadrant of the airfield for construction of a commercial facility. Due to a delay in obtaining approval by the City of Naples Design Review Board, the tenant is unable to finalize construction plans and commence construction by the April 1, 2022 deadline. Marco Hangars is requesting a one-month extension of the commencement deadline to May 1, 2022 and an extension of the completion deadline from March 1, 2023 to May 31, 2023. Additionally, the tenant has requested an amendment to the lease to permit a proposed sublessee of the entire premises to further sub-sublease space to others for aircraft storage. Mr. Owens noted that the standard voluntary curfew language has been added to the proposed amendment.

Commissioner Messer moved Board approval for the Executive Director to execute a Second Amendment of Leasehold Agreement with Marco Hangars, LLC. Vice Chair Ruppert seconded. The motion passed unanimously 5-0.

9. Consent to Sublease between Marco Hangars, LLC and Naples Jet Center Holdings, LLC

Ms. LeDuc requested authorization for the Executive Director to execute a Consent to Sublease between Marco Hangars, LLC and Naples Jet Center Holdings, LLC. She said that this 10-year sublease would commence upon issuance of a certificate of occupancy for the new hangar facility, subject to and continent upon approval of the sublease by the Authority. The sublease includes the option for Naples Jet Center to extend the sublease for three additional five-year terms for a total of 25 years. Ms. LeDuc stated that due to the time-sensitive nature of the agreement as it relates to the proposed leasehold mortgage, also being presented today, staff was asking for the Board's consent contingent upon the final form of the Sublease Agreement that will be acceptable to the Executive Director and Authority Counsel. She added that the voluntary curfew language has been added to the proposed Consent.

Mr. Owens clarified that the issues that are still pending are not necessarily tied to the voluntary curfew hours provision. He said that this action item and the next action item are both related to Marco Hangars LLC, and both transactions are being requested, given the timing. He said that a motion would be to authorize the Executive Director to execute the Sublease once it is acceptable to the Executive Director and Authority Counsel. He added that the final form will indeed include the voluntary curfew language.

Vice Chair Ruppert moved Board approval for the Executive Director to execute a Consent to Sublease between Marco Hangars, LLC and Naples Jet Center Holdings, LLC as presented by Ms. LeDuc and clarified by Mr. Owens. Commissioner Messer seconded. The motion passed unanimously 5-0.

10. Consent to Encumbrance and Agreement with Lender for Marco Hangars, LLC

Ms. LeDuc requested authorization for the Executive Director to execute a Consent to Encumbrance and Agreement with Lender between the Authority and First Foundation Bank for

Marco Hangars, LLC. She said that Marco has submitted a request for a Consent to Encumbrance and Agreement with Lender for a leasehold mortgage that encumbers the rights, title, and interest in the land lease in favor of the lender. Due to the short time period for preparation of the Consent Agreement, she was requesting the Board's consent contingent upon the final form of the Sublease Agreement that would be acceptable to the Executive Director and Authority Counsel.

Commissioner Lenhard moved approval for the Executive Director to execute a Consent to Sublease between Marco Hangars, LLC and Naples Jet Center Holdings, LLC as presented. Vice Chair Ruppert seconded. The motion passed unanimously 5-0.

11. Assignment, Amendment and Restatement of Leasehold Agreement from Joelle Development, LLC to Cox Automotive LLC

Ms. LeDuc requested authorization for the Executive Director to execute an Assignment, Amendment and Restatement of Leasehold Agreement from Joelle Development, LLC to Cox Automotive LLC subject to and conditioned upon the closing of the associated real estate transaction between Joelle and Cox. She said that Joelle is the current holder of a leasehold interest for the property located at 2345 Tower Drive in the south quadrant of the airfield. Joelle has requested the Authority's consent to assign the Lease to Cox for continued use of the hangar for private aircraft storage. The leasehold parcel has been amended to include land on which there is an existing driveway serving the leased premises with a corresponding adjustment to the rental rate.

The Chair called for a five-minute recess.

Commissioner Cuddihy moved Board approval for the Executive Director to execute an Assignment, Amendment and Restatement of Leasehold Agreement from Joelle Development, LLC to Cox Automotive LLC subject to and conditioned upon the closing of the associated real estate transaction between Joelle and Cox. Commissioner Messer seconded. The motion passed unanimously 5-0.

12. Amend General Aviation Terminal Improvements Project Budget

Mr. Keith requested authorization to reallocate $250,000 from the contractor incentive for the GAT project to the actual construction cost to cover several design elements that were initially not apparent or not anticipated in the project. He said that the budget will remain unchanged at $7,831,097. Mr. Keith provided an overview of the GAT and parking lot improvements budget and noted that the contractor incentive for substantial completion before November 1, 2021 was not met. In order to provide a first-class facility, he noted that there will be some other items that staff will bring back to the Board for consideration in the future.

A question-and-answer period followed.

Commissioner Lenhard moved approval to reallocate $250,000 from the contractor incentive for the GAT project to the actual construction cost. Vice Chair Ruppert seconded. The motion passed unanimously 5-0.

H. NEW BUSINESS

There was no new business.

I. OLD BUSINESS

1. Noise Compatibility Committee Update (NCC)

Commissioner Messer stated that the NCC last met on February 3rd and that we reported on that meeting at the February 17th Board of Commissioners meeting. As the Board liaison to the NCC and TAC, Commissioner Messer reached out to the Top 10 curfew violators to discuss the Part 150 Noise Study and to seek improvements towards compliance with our Voluntary Quiet Hours Curfew. She said she invited each one to participate and hear from committee members and the public at the joint meeting of the Noise Compatibility Committee and the Technical Advisory Committee. She reported that earlier in the meeting, Mr. Larry Bennell was appointed to serve the as the Southwest Quadrant representative on the NCC. She announced that the next NCC meeting is scheduled for May 3rd. She noted that Zac Burch, Communications and Community Engagement Manager, is working with NCC members to schedule community meetings in the areas they represent and that anyone interested in scheduling a meeting or presentation should contact Mr. Burch at zburch@flynaples.com or at 239-643-0733.

Commissioner Cuddihy offered her help to Commissioner Messer in making outreach calls now or in the future.

2. Technical Advisory Committee Update (TAC)

Commissioner Messer noted that the TAC last met on December 14th related to the ongoing Part 150 Noise Study and she reported on that meeting during the December 16th Board of Commissioners meeting. She stated that the Noise Compatibility Program phase of the Part 150 Noise and Land Use Compatibility Study is currently underway and that a Joint Workshop Meeting with the NCC and TAC will be held on March 30th to promote discussion between the committees, ensuring that all feedback from their constituents is considered during the evaluation process, and to expedite moving forward into the vetting phase. She reported that earlier in this meeting, Mr. Michael Bingaman was appointed to serve as the Southwest Quadrant representative on the TAC. She reiterated that public outreach and community engagement are critical to NAA's efforts to engage the community and encouraged the public to contact Mr. Burch at zburch@flynaples.com or at 239-643-0733 to schedule community meetings or presentations.

J. LEADERSHIP TEAM REPORT

1. Leadership Team Report

Vice Chair Ruppert applauded Mr. Keith for meeting with Congressman Byron Donalds to discuss the Part 150 Study and for inviting him to appoint a staff member to serve as a liaison to the TAC.

Vice Chair Ruppert expressed concern regarding a Rexair customer who appeared on the curfew violators' list for two months in a row. Mr. Rozansky stated that staff would be following up with

RexAir to ask how we can help educate their customers by offering to provide collateral materials to hand out so that there is no out of pocket cost to RexAir.

There was discussion regarding the subheading on page 3 and 4 of the Aircraft Operations and Curfew Compliance Summary. There was consensus to change the subheading name and any references from Curfew Operators or Curfew Operations to Curfew Violators or Curfew Violations. The table titles were a little confusing to understand the data being presented. Mr. Rozansky stated that staff could clarify those labels.

K. FINANCIAL REPORTS

1. Financial Summary

Mr. Warriner presented the February financials. He said that the year-to-date change in net position before capital contributions was favorable to budget by approximately $3,243,000.

Mr. Warriner addressed a question from the February meeting regarding the favorable amount within the Professional Services line item in the January financials.

A question-and-answer period followed.

Commissioner Cuddihy moved acceptance of the February financials. Vice Chair Ruppert seconded. Motion passed unanimously 5-0.

L. COUNSEL'S REPORT

1. Counsel's Report

Mr. Owens stated that although there has been no substantive developments in the court proceedings with respect to the lawsuit filed last year by a former employee of the Authority, he recently heard through counsel appointed by the insurance company that the plaintiff has reached out and is talking initially about settling the claim. He said that this is not the venue to discuss the details of any settlement that might be reached but rather through a closed session.

He said that there were no other material legal matters to discuss at this time.

M. PUBLIC COMMENTS (5-minute limit)

City Councilman Michael McCabe commented that he was encouraged by the Board's earlier conversation in changing the name of the Aircraft Operations and Curfew Compliance Summary to Curfew Violators. He stressed the importance of calling it what it is. He added that the residents don't think in percentages and that the report would be more meaningful if it was updated to show the number of violations. He also commented that the operations during the shoulder hours are violations. He thanked Commissioner Messer for her approach in reaching out to the top violators. He referenced a comment that Peter Kirsch, NAA's FAA Counsel, made at the City Council/NAA Joint workshop meeting on September 29, 2021 in response to a question if the FAA allows an airport authority to set voluntary best practices that are not strict restrictions. At that meeting Mr.

Kirsch stated that the FAA absolutely does allow that and the best way to get compliance of the voluntary curfew is by calling the individuals out and publishing a list.

N. CORREPONDENCE/COMMISIONER COMMENTS & REQUESTS/MEETINGS

In reference to City Councilwoman Petrunoff's earlier comments made regarding quick hits, Commissioner Cuddihy asked if there was anything else that could be escalated before the completion of the Part 150 Noise Study. There was discussion about several quick hits already in place. Mr. Rozansky stated that what we think can be done outside the Part 150, sometimes still requires FAA involvement or approval. He added that because of the community outreach directly to the FAA and in part because of outreach to Congressman Diaz-Balart's office, we have been able to get the FAA's attention.

O. ADJOURNMENT

With no further business, the meeting adjourned at 12:23 p.m.

Christopher A. Rozansky
Secretary

NOTE: Printed copies of all visual presentations and handouts are on file in the Executive Assistant's Office.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Dustin, Kerry C.	Board of Commissioners of the City of Naples Airport Authority
MAILING ADDRESS 599 9th Street North, Suite 101, Naples, Florida 34102	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☑ OTHER LOCAL AGENCY
CITY: Naples — COUNTY: Collier	NAME OF POLITICAL SUBDIVISION: City of Naples Airport Authority
DATE ON WHICH VOTE OCCURRED March 17, 2022	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

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ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

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APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Kerry C. Dustin, hereby disclose that on March 17, 20 22 :

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____ ;

X inured to the special gain or loss of my relative, Jack Dustin ;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

On March 17, 2022, a measure came before the Board of Commissioners of the City of Naples Airport Authority (the "NAA") to authorize the Executive Director to renew certain employee benefits on behalf of the NAA effective May 1, 2022. The carrier that will be providing the NAA with dental, vision, life and disability insurance is Guardian. I did not make any attempt to influence the decision concerning such measure. However, prior to the vote being taken by the Board of Commissioners on such measure, I orally disclosed that my relative will be employed by Guardian. Pursuant to Section 112.3143, Florida Statutes, I abstained from voting on and participating in such measure. I am further disclosing the nature of my conflicting interest as a public record by filing this Form 8B, Memorandum Of Voting Conflict For County, Municipal And Other Local Public Officers, with the person responsible for recording the minutes of the meeting who should incorporate this form in the minutes.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

March 28, 2022
Date Filed

K.C. Dustin
Signature (of Kerry C. Dustin)

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

CITY OF NAPLES AIRPORT AUTHORITY (NAA)
Board of Commissioners
Notice of Regular Meeting

FINAL AGENDA

City Hall Council Chambers
735 Eighth Street South
Naples, FL 34102

Thursday, March 17, 2022
8:30 a.m.

Commissioner Kerry C. Dustin – Chair
Commissioner Rick Ruppert – Vice Chair, Consultant Selection Committee Chair, Audit Committee Member
Commissioner Michael Lenhard – Audit Committee and Consultant Selection Committee Member
Commissioner Donna M. Messer – NCC and TAC Liaison
Commissioner Rita Cuddihy – Audit Committee Chair
Executive Director: Christopher A. Rozansky
Authority Attorney: William L. Owens, Esq. of Bond, Schoeneck & King, PLLC

Welcome. If you wish to address the Board of Commissioners regarding an item listed on the Agenda, please complete a Speaker Registration form (available at the rear of the room) and hand it to the Executive Assistant prior to consideration of that item. We ask that speakers limit comments to 5 minutes and that large groups name a spokesperson whenever possible. All written, audio-visual, and other materials distributed to the Board or staff during this meeting will become the property of NAA and will be a public record. Thank you for your interest and participation.

NOTICE

Formal action may be taken on any item listed on the Agenda below, or added to the Agenda before or during the meeting, or discussed during the meeting without being added to the Agenda. Also, the sequence of items may be changed as the meeting progresses.

Any person who decides to appeal a decision of this Board with respect to any matter considered at this meeting (or hearing) will need a record of the proceeding and 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 heard.

Any person with a disability requiring auxiliary aids or services in order to participate in this proceeding for meetings at the City Council Chamber may call the City Clerk's Office at 213-1015, or for meetings at the Airport Office Building, the NAA Executive Assistant's Office at 643-0733, with requests at least two business days before the meeting.

Information on Action Items and other items which has been provided in advance of this meeting may be inspected at the office of the Executive Assistant, General Aviation Terminal Building, 2nd Floor, 160 Aviation Drive North. Minutes of this meeting will be prepared for Board approval, usually at the next Regular Meeting.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. AGENDA (Add, delete or re-sequence items)

D. MINUTES

1. February 17, 2022 Regular Meeting Minutes

2. February 22, 2022 Consultant Selection Committee Minutes

E. PRESENTATIONS AND TIME CERTAIN ITEMS

1. Noise Compatibility Committee Applicant Interviews

F. PUBLIC COMMENTS ON GENERAL TOPICS NOT ON THE CURRENT AGENDA

G. ACTION ITEMS (Public comments accepted for each item; 5 minute limit)

1. Noise Compatibility Committee Member Selection

2. Technical Advisory Committee Members

3. Consultant Selection Committee Ranking of Firms for Public Relations and Marketing Services and Authorization to Execute a Professional Services Agreement

4. Renew Employee Benefits for $1,445,084

5. Assignment and Amendment of Leasehold Agreement from Hartford Realty LLC to 240 Aviation Drive N, LLC

6. Consent to Encumbrance and Agreement with Lender for 240 Aviation Drive N, LLC

7. Consent to Encumbrance and Agreement with Lender for Industrial Equities of Florida, LLC

8. Lease Amendment with Marco Hangars, LLC

9. Consent to Sublease between Marco Hangars, LLC and Naples Jet Center Holdings, LLC

10. Consent to Encumbrance and Agreement with Lender for Marco Hangars, LLC

11. Assignment, Amendment and Restatement of Leasehold Agreement from Joelle Development, LLC to Cox Automotive LLC

12. Amend General Aviation Terminal Improvements Project Budget

H. NEW BUSINESS

I. OLD BUSINESS

1. Noise Compatibility Committee Update

2. Technical Advisory Committee Update

J. LEADERSHIP TEAM REPORT

1. Leadership Team Report

K. FINANCIAL REPORTS

1. Financial Summary

L. COUNSEL'S REPORT

1. Counsel's Report

M. PUBLIC COMMENTS (5 minute limit)

N. CORRESPONDENCE/COMMISSIONER COMMENTS & REQUESTS/MEETINGS

O. ADJOURN