Thursday, January 18, 2024
Naples Airport Authority: Regular Meeting Minutes

The meeting was called to order by Chair Dustin at 8:37 a.m. in the Airport Office Building Conference Room at the Naples Airport.

A. ROLL CALL

Present were Chair Dustin, Vice Chair Ruppert, Commissioner Cuddihy, Commissioner Cavanaugh and Commissioner Burns.

Staff and Authority Counsel present were Mr. Owens, Mr. Rozansky, Mr. Lobb, Mr. Keith, Mr. Gray, Mr. Brown, Ms. Zadorecky, Ms. King, Ms. Wiggins, Mr. Burch, Mr. Gamboa, Ms. Sarcona, Ms. Acosta, and Ms. Menard.

B. PLEDGE OF ALLEGIANCE

Chair Dustin led the Pledge of Allegiance.

C. AGENDA

Mr. Rozansky provided the following revisions:

- Revised Agenda – There was a duplication in the lettering of the main agenda topics, specifically there were two Item G's, and the items were resequenced accordingly. Two new items were added to the agenda under Correspondence/Commissioner Comments & Requests/Meetings (see below).

- Noise Report – Changes were made to pages 4-5, 7, 10-13, 15 and 19. The updates were highlighted on the final report which encompassed additional data being added to the curfew operations and noise comments.

- Financial Reports – Financial Summary, Item 1 – On the printed copy of the financial summary, pages 9 and 10 were printed in portrait format and cut off the notes in the Project Status column. The pages were reprinted and redistributed at the meeting.

- Correspondence/Commissioner Comments & Requests/Meetings - The following two items were added:

  - Item 2., Potential Land Use Measures for Pursuit Outside of the 14 CFR Part 150 Process - Commissioner Burns. A briefing paper and attachment were provided for the Board's review.

  - Item 3., Final Part 150 Noise Compatibility Program - Airport Relocation Study - Commissioner Burns. A briefing paper and attachment were provided for this item.

Printed copies of the revisions were distributed in advance and will be included in the final packet.

Commissioner Burns requested consideration to add another item to the Correspondence/ Commissioner portion of the agenda regarding Eileen Lowrey's email dated January 17, 2024, that was sent out to City Council, the NAA Board of Commissioners and Mr. Rozansky last night. Chair Dustin said that he would take it under advisement and stated that last-minute items added to the agenda make it difficult for others to properly review it. Vice Chair Ruppert requested that taking external information and entering it into the formal agenda be stopped because of Commissioners' inability to reasonably digest it. He added that Commissioner Burns is free to make any comments about the letter.

There was discussion about the Board meeting being the only time Commissioners may speak with each other, the process of putting items on the agenda, the City Council's voting process to allow an item to appear on their agenda for the next meeting, the importance of providing information in advance of the next meeting and the message it sends to the community by lack of notice.

Commissioner Cuddihy stated that it is the Chair's and the Executive Director's responsibility to prepare the agenda. If a Commissioner would like something on the agenda, he/she could bring the item to the Executive Director for consideration. She requested Board discussion regarding the process for how things are put on the agenda.

Mr. Owens suggested that before the Board discusses this, that the agenda be approved with the changes noted above. There was consensus to accept the agenda and the revisions as presented by Mr. Rozansky.

Commissioner Cuddihy expressed concern about receiving revisions at the last minute, providing draft documents into the record that are not the final documents approved by the Board and creating unnecessary anxiety in the community while the airport relocation study is being considered. She said changes to the agenda the night before the meeting puts her in a disadvantaged position and does not give her any time to ask questions about the topic.

There was discussion regarding Commissioner Burns' request for staff to provide exhibits for a public commenter and how the practice of submitting their comments into a pre-meeting Board agenda is an unhealthy one for the organization.

Commissioner Burns said that he would consider the Commissioners' feedback about adding items at the last minute. Regarding the Google maps of the Picayune Strand State Forest that were sent out last night, Chair Dustin expressed displeasure about Commissioner Burns using his power to do something for a public commenter. He said that this information should be funneled through the airport exploratory study consultants to flush out. Commissioner Burns disagreed and said it was his job to bring up ideas.

Commissioner Cuddihy struggled with the process and worried about the community's view that the Commission is favoring one citizen over another citizen. She said the airport exploratory study is being discussed today and she did not want anyone to think that the Commissioners, as a body, have decided that the Picayune Strand State Forest is the most important site to look at. Putting it on the agenda, she said, sends a signal that is easily misunderstood. She clarified that the Board has not made a decision to move the airport and it is not looking at the Picayune Strand State Forest.

Commissioner Burns said he and the cartographer discussed what visuals would be helpful to explain his presentation. Commissioner Burns prepared the Google maps and advised the cartographer that he would make those maps available for the cartographer's presentation. Chair Dustin said it is inappropriate and reiterated again that Commissioner Burns is using his powers as a Commissioner to do something for a citizen that no one else does. He commented that Commissioner Burns' strong efforts on this site so early in the process is jeopardizing his credibility when it comes time to vote because it looks as though he is heavily biased.

Commissioner Cuddihy said governance training is needed on how to work through this collectively, how things get on the agenda, and how the process works in the City. Vice Chair Ruppert concurred and welcomed Commissioner Cuddihy's suggestion.

Vice Chair Ruppert commented that he wanted all five Commissioners to reach a conclusion about this process. He cited a lack of accountability and no sense of "team" among the Commissioners when an individual issue is forced onto an agenda – and into public view – before the issue is properly vetted and agreed upon. He added that he did not want to give up what he has been doing the last three years as a Commission member who is working with and for the community and for the Airport Authority. He cited the numerous citizen comments he's received on several Board topics. But as a Commission, he recalled they agreed a few months ago to table the Picayune Strand State Forest site discussion until after the airport exploratory study was started but before it concluded, which would allow all five Commissioners to weigh in on the study. Vice Chair Ruppert stated it is disrespectful to bring up this item month after month.

Commissioner Burns responded that he was asked by the Executive Director to have the cartographer make a presentation during the exploratory study. Mr. Rozansky clarified that he did offer to have the materials put up on the screen but explained that we do not typically put public commenter's materials in the Board packet. Chair Dustin stated that he was not in favor of doing that because it allows the citizen to use a Commissioner to get something into the public record. Mr. Rozansky explained that it happens from time to time when someone would like to put something on the screen during a meeting and we try and accommodate the request as often as we can. Subsequent to that, the material ends up in the final packet. We don't have a practice of including citizen documents in the pre-meeting packet. Mr. Rozansky said it would be helpful for Commissioners to establish a process, if they so choose. Chair Dustin expressed concern for allowing public commenters to distribute potentially inaccurate materials.

Commissioner Cavanaugh concurred that the Board would benefit with third party professional assistance to create better understanding of public entity governance, specifically in the State of Florida with the Sunshine Law. He agreed with Commissioner Cuddihy's and Vice Chair Ruppert's comments in terms of the specific issues discussed today. In terms of public input, he has not heard any concerns or complaints about the current process and said that the process we have gone through in this meeting muddies the water and creates more issues that don't need to be dealt with. He said we should be sensitive to the broader government issues around running the airport authority and public input should be spontaneous based upon the citizen, not a planned presentation from that standpoint.

Commissioner Burns said that he would be agreeable to having a third-party professional in a workshop setting. In the meantime, he requested Mr. Owens look at the Sunshine Law and present the proper procedure for agenda additions, both written in the law and written in any administrative ruling, as well as any practice of how this should work.

Mr. Owens said he could research any issue but stated that in general, the Sunshine Law does not provide detailed procedures that a Board of Commissioners may or may not want to implement. He said the Airport Authority was created by an act of legislature and gives certain internal procedural powers to members of the Board. The Board can decide to implement procedures or follow customary practices as have been used in the past. He added that our traditional practice has been not to get into too much specific detail, and the procedures have worked out fine. He said he understands and shares the Board's frustrations because the Sunshine Law does not promote efficient and effective transaction of business, but the law is important because we want to make sure the public is aware and has their ability to get their concerns out in the open and addressed as necessary. He said it is good to think about the Sunshine Law as you consider any potential procedures in the future. On the issue of agendas, Mr. Owens encouraged giving advance notice of issues to each Commissioner but also to the public so that they know what might be forthcoming on an agenda and that their voice can be heard. Mr. Owens said that for any issue that may be controversial or of particular interest to the public, he advised not to put it into the agenda at the last minute.

Mr. Rozansky clarified that staff could research what other governing bodies do procedurally. Commissioner Burns said that wasn't necessary and that Mr. Owens answered his question regarding the law. Commissioner Cuddihy suggested that the person conducting the governance workshop could share what other governing entities do. She added that it is important to take under consideration what the City of Naples does, whether we choose to follow it or not, and that it may be helpful to see what a couple of other entities do.

D. MINUTES

1. December 14, 2023, Regular Meeting Minutes

Vice Chair Ruppert moved to approve the December 14, 2023, Regular Meeting minutes as amended. Commissioner Cavanaugh seconded. The motion passed unanimously, 5-0.

E. PRESENTATIONS AND TIME CERTAIN ITEMS

1. Authority Counsel Named to Management Committee of Bond, Schoeneck and King, PLLC

Chair Dustin announced that NAA Counsel, Bill Owens, has been named to the Management Committee of his firm, Bond, Schoeneck and King. PLLC (BSK) and that he will serve as one of seven committee members who will lead the firm in the coming year by setting goals and fortifying the company's vision and strategic direction for the future. Chair Dustin said that BSK has over 300 attorneys in 16 offices across five states, and they are an AmLaw 200 law firm serving clients in a multitude of fields. During his seven years as our lead Counsel, Mr. Owens has always served the NAA and community with the utmost professionalism and integrity and is further recognition of the hard work and dedication that he has shown, both to his clients and his firm for more than 25 years. Chair Dustin congratulated Mr. Owens on this important achievement and thanked him for all that he has done for the NAA.

Mr. Owens thanked the Board for recognizing him and said that although he doesn't need accolades or honorary mentions, he was most proud because this is an elected position in his firm, gaining the confidence of his peers.

2. Airport Exploratory Study Kickoff

Mr. Rozansky stated that Mr. Doug DiCarlo of Environmental Science Associates (ESA) and his project team (Ms. Julie Sullivan and Mr. Mike Arnold of ESA as well as Mr. Dave Ramacorti of Ricondo) will kick off the Airport Exploratory Study. Mr. Doug DiCarlo introduced himself and said that there has been a lot of interest since they were given the contract late last year. He presented how we got here and why we are doing the study, what the study will entail, and what the team has been working on. He noted previous efforts to explore relocating the airport between 1971 and 2008.

Mr. DiCarlo provided an overview of the four key elements of the study which include the long-term outlook for Collier County, the new airport requirements, key factors for consideration and identification of potential sites.

Mr. Ramacorti explained the initial site selection and financial analysis process; the site selection and validation study which includes the FAA airspace study and the airport master plan, the advanced planning and environmental phase, as well as the property acquisition, design, and construction phase. He said the governance should be identified early in the process. Mr. Ramacorti provided an estimated minimum timeline of 15-20 years to develop a new airport. He showed a comparative timeline of previous new airport projects.

A question-and-answer period followed throughout the presentation regarding inaccurate flight projections provided in past historical studies; County, City, State governance structure that would be required in the process, legal restrictions existing on a potential site, the use of publicly available information to evaluate land use and the FAA process for validating other sites.

Vice Chair Ruppert asked if the FAA requires an airport to remain open for a period of time once a new airport is commissioned, and if so, what is the timeframe. Mr. Ramacorti said that there are a number of factors that would be involved, therefore, it varies and he would have to conduct some research on this. Commissioner Cavanaugh asked if there has ever been litigation from the aviation community to keep an airport open. Commissioner Cuddihy added that the answer should be looked at from a general aviation airport perspective.

Mr. DiCarlo presented a color-coded map of Collier County land designations. Commissioner Burns pointed to an area near the Picayune Strand State Forest and asked Mr. DiCarlo to provide the size of that tract of land.

Ms. Sullivan presented the framework of environmental impact mitigation considerations. She provided a mitigation comparative of other significant airport development projects and a property and mitigation overview done at RSW. There was discussion regarding the environmental impact study and that the results have to show no significant adverse impacts.

As one of the final steps in the advanced planning and environmental process is the environmental impact statement. Commissioner Burns said it is a very rigorous process and the results have to show no significant impacts as was presented by Mr. Ramicorti. Regarding the environmental

impact statement process, Commissioner Burns asked if a new airport could have a positive impact as well as a negative impact. Ms. Sullivan said the impact statement would have to show no significant adverse impacts. Commissioner Burns asked if the environmental impact statement points out any positive environmental consequences of building the airport or could that be added to the study if we wanted to have that done. Ms. Sullivan stated that positive improvements could always be added to a study, and it will always be embraced above and beyond what is required to offset the impacts. She said there are a variety of ways environmental value or other values can be added to the project. She said that anything that is required above and beyond to offset the impacts would not necessarily tip the scale with the process, but the stakeholders, the public, and a variety of other elements go into play as to whether the project is favorably received. She said through the regulatory process, it needs to demonstrate that there are no net adverse effects. Commissioner Burns clarified that the positive impacts might be there but the negative impacts might be worse. She said correct, the impact statement will show that. Commissioner Burns commented that we would be able to look at both. She said we would have to be able to calculate that equation between any proposed positive impacts and what the adverse impacts are.

Regarding Commissioner Burns' comments, Chair Dustin said the environmental impact statement is all going to be related to the new site, so any positive environmental impact on the old site, he didn't think would translate. Commissioner Burns said that he was referring to the proposed new site whereby the new airport would have negative impacts but also possibly positive environmental impacts. Ms. Sullivan said that provided that they are in-kind. She said you cannot have a positive traffic benefit that offsets a water quality impact. She said they have to be in the same category.

In response to Commissioner Cuddihy's request for an example of a positive environmental impact, Commissioner Burns explained that soil to raise runways would create water retention ponds, providing water to replenish aquifer under existing wells along Collier Boulevard. He noted that the area he pointed out on the color-coded maps presented by Mr. DiCarlo is also in the same vicinity.

Mr. DiCarlo provided a timeline of next steps for stakeholder outreach, presentation to City, County and NAA, a public open house, and study documents. Vice Chair Ruppert suggested the timing of the presentation to the City occur after the City elections in March. Commissioner Cavanaugh asked that the presentation to the NAA precede the City's and County's presentations. He also asked fellow Commissioners that during this timeline, it would be useful for the Board to be a receptor of information from our experts and consultants for the next 90 days, not to create information.

3. Historic Airport Relocation Documents

Mr. Burch said that staff researched NAA minutes, newspaper articles, and other sources regarding the relocation of the Naples Airport. He noted that the list provided to the Board was not a comprehensive list but key points/documents that staff thought pertinent to share.

F. PUBLIC COMMENTS

Chair Dustin invited Ms. Michele Arquette-Palermo to the podium. Ms. Arquette-Palermo, Conservancy of Southwest Florida, 1495 Smithfield Preserve, Naples commented that she saw the pre-Board meeting packet and the pictures of the Picayune Strand State Forest (Picayune) included in it. On behalf of the Conservancy, she expressed their disappointment and added that Picayune

is no place for an airport. She provided several facts about Picayune, including that it is the fourth largest state forest in the State of Florida and that it is currently being restored to its original wetlands environment. Through fiscal year 2022, the total spent on the restoration project is over a half a billion dollars. She said a lot of time, money, effort and resources went in to restore an area that is important to the health and vitality of ecosystems in Southwest Florida. She asked if the NAA has asked the Army Corps of Engineers of Southwest Florida or the Water Management District if this land is even for sale. She also indicated it would take an act of Congress for the sale of the land. She said the Conservancy will continue to watch, as they continue their 60-year history of protecting paradise in Collier County and Naples.

Chair Dustin called for a 10-minute break.

Chair Dustin invited Mr. Keaton Phillips to the podium. Mr. Phillips, Jet 1, 101 Aviation Drive North, Naples, introduced himself and commented how the airport relocation feasibility study is currently impacting his business. He said Jet 1 is a charter business on the field, and their customers and clients are already asking where they will relocate now that the airport is moving. He said it is important to approach the feasibility study with the understanding that the current airport may be the most feasible place to serve the existing businesses, clients and preserve environmental areas. He explained that Jet 1 owns a dilapidated hangar structure here at the airport and the project is basically stalemated because of potential misunderstandings of the feasibility study and the public's perspective about what is happening at the airport. The narrative of how that is being portrayed should be considered. Chair Dustin stated that Mr. Phillips' comments underscore what Commissioner Cuddihy and other Board members have said. The study will provide an alternatives analysis and there is no certainty whatsoever that the airport is moving. Commissioner Burns pointed out that we are conducting a feasibility study because it was a requirement of the Part 150 Noise Study. Chair Dustin said Commissioner Burns' statement was correct, and he asked Mr. Rozansky to verify that City Council voted 4-3 to conduct the study. Mr. Rozansky stated that it was not a vote but last February when we presented the final Noise Study recommendations to the City, there were four Council members that asked us to do a feasibility study of a new airport. Commissioner Cuddihy clarified that the feasibility study is not a requirement of the Part 150 Noise Study whatsoever. She said the study was included in the Part 150 for a variety of reasons but it was not required.

Ms. Christal Johnson, 3746 Canopy Circle, Naples representing most all of the private ownership of hangars, family, as well as multiple businesses at the airport, commented that the Naples Airport is the best run airport and has the best staff. Regarding the feasibility study, she said current tenants feel it is a ludicrous idea to move the airport because of the cost, where to move it to, the inconvenience of doing so, relocating businesses that have land leases and people live here because of the convenience of the airport. She said she has clients who do not even want to go to Marco Island for their plane. She commented about her representatives' lack of support for moving to Picayune. She said that we need to focus on the positive aspects of the airport's current location.

Commissioner Cavanaugh questioned which organization she represents, and she responded that her company, Paradise Coast Property Team, is located at the airport. She said she has sold most of the private hangars and has helped relocate people, and developed hangars. She represents these customers and could provide a list of the people who supported her.

G. ELECTION OF OFFICERS

1. Election of Chair

Chair Dustin explained the process for the election of officers.

After careful consideration, Chair Dustin said he would like to nominate Vice Chair Ruppert to serve as Chair. Chair Dustin asked if he would be willing to serve as Chair. Vice Chair Ruppert said that he would be honored and accepted the nomination to serve as Chair.

Chair Dustin opened it up to see if there were any other nominations for the position of Chair. There were no other nominations. After a roll call vote, motion passed unanimously 5-0 to elect Vice Chair Ruppert as Chair of the Board for a term of one year.

Commissioner Dustin thanked his fellow Commissioners, Mr. Owens, Mr. Rozansky and staff for all the fabulous work done and said it has been incredibly pleasurable to serve as Chair for two years.

Chair Ruppert appreciated Commissioner Dustin for all that he has done as a Commissioner and Chair. He said he has served under three different Chairs in the last three years and has learned something from each of them. Chair Ruppert believes this Board has made the airport a better run organization, who are much more responsive than a lot of other organizations. He said Commissioner Dustin has made it easy for people to address the Board and was responsive to those issues that they bring up. He thanked Commissioner Dustin and said that he was hoping in his role as Chair to continue in that vein.

2. Election of Vice Chair

Chair Ruppert asked Mr. Rozansky to explain the procedure used for the election of Vice Chair.

Mr. Rozansky congratulated Chair Ruppert on being elected Chair. He thanked Commissioner Dustin for his service and appreciated his guidance and for always being available when needed. Mr. Rozansky said he enjoyed working with him.

Mr. Rozansky stated that the procedure is much the same as the procedure for Chair. In accordance with the NAA Bylaws, he said the Vice Chair shall be a Commissioner and shall assume the duties of the Chair in the event of the temporary absence of the Chair. Mr. Rozansky stated that it is up to Chair Ruppert to initiate the nomination process.

Chair Ruppert stated that he would like to use the Chair's role to start the process and nominated Commissioner Cuddihy to serve as Vice Chair for a period of one year. He asked if she would be willing to accept. Commissioner Cuddihy said she would be honored to accept the nomination. There were no other nominations. After a roll call vote, motion passed unanimously 5-0 to elect Commissioner Cuddihy as Vice Chair of the Board for a period of one year.

3. Committee Appointments

Chair Ruppert appointed Commissioners to serve on the following Committees:

Noise Compatibility Committee Liaison: Ms. Cuddihy

Chair Ruppert asked Commissioner Burns if he would be willing to Chair the Audit Committee. He said it was not his strong suit but would be happy to chair the Committee but added that he wanted to remain on the Consultant Selection Committee. Chair Ruppert said he wanted to address the Consultant Selection Committee after the appointments to the Audit Committee appointments were made. Commissioner Burns then stated that he would rather not chair the Audit Committee. Chair Ruppert then appointed Commissioner Cavanaugh as Audit Committee Chair and appointed Commissioner Burns and Commissioner Dustin as members of the Audit Committee.

Audit Committee:	Mr. Cavanaugh, Chair Mr. Burns, Member Mr. Dustin, Member

Chair Ruppert appointed the following Commissioners to the Consultant Selection Committee.

Consultant Selection Committee:	Mr. Dustin, Chair Mr. Burns, Member

H. NOISE

1. Noise Compatibility Committee Update

Commissioner Cuddihy reported that the Noise Compatibility Committee (NCC) last met on October 26, 2023, at the Airport Office Building and reported on that meeting at the November Regular Meeting. She said that the next NCC Meeting is scheduled for February 29, 2024, in the Airport Office Building.

Public outreach and engagement are critical to the NAA's efforts to engage with the community. Robin King, Director of Community Relations and Communications, will be working with the Board, NCC members, and other community leaders to schedule meetings and presentations with key stakeholders. Anyone interested in scheduling a meeting, presentation or airport tour should contact her at 239-643-0733 or rking@flynaples.com, or visit the NAA website at www.flynaples.com, to join the subscriber list for airport updates.

2. Noise Report

Regarding the trends reported on page 2, Ms. King stated that 98 comments were received by two individuals. She noted that we will be featuring two new animated videos on our website and in a few other places to enhance the Fly Safe, Fly Quiet Program messaging. On page 3 under operator efforts, she noted that NetJets has had an 82 percent reduction in the FYTD curfew compliance, and the Global Flight Training Solution pilot school in Immokalee has had a 100 percent reduction in curfew violations. Of the curfew violators that our Noise Abatement Specialist contacted, they reported they were aware of our curfew but the majority flew during the quiet hours due to passenger schedules. On page 18, a summary of the collaborations with other airports regarding noise abatement initiatives was provided in response to the Board's request last month. Ms. King said the majority of discussions were focused on what the NAA was doing. She said we became the teacher, rather than the listener.

There was discussion on curfew data collected under the categories of pilot schedule and passenger schedule, resulting in a suggestion to broaden the category to operator schedule. Commissioner Cavanaugh suggested that when the pilot is the aircraft owner, that data should be counted into the passenger schedule category. There was also discussion regarding putting material inside the chartered aircraft to reinforce the FSFQ message. Commissioner Cuddihy commented that in her conversations with operators last year, she was so impressed by the individual operators based at the airport and what they were doing to communicate the FSFQ program.

Mr. Keaton Phillips commented that the FSFQ program has been very successful. He said they educate their clients as best they can. He noted that the resounding violations occur when there are air traffic control edicts. He said that everybody is aware of the FSFQ message, adding that there are complications with placing materials inside private jets. He said how the message is perceived is an important element to think about and that it needs to be approached from a positive light. He agreed that enticing them with fuel discounts would encourage them to be more forward with messaging to their clients.

Chair Ruppert asked if we had any plans to communicate more widely about what the good citizens who are operators on the airport are doing to reduce the noise profile. Ms. King responded that the Enhanced FSFQ Leaderboard Program was rolled out as of January 1st, and there will be quarterly recognition in March. The results of the program will be published in the newspaper, in our tenant newsletter, posted on social media, posted in the FBO and widely distributed to other interested groups.

Chair Ruppert thanked Ms. King, Mr. Burch, and Mr. Reyes for all their efforts.

3. Update on Flight Procedures Design

Mr. Rozansky stated that Hughes Aerospace executed the contract and began work on the feasibility analysis to include all the flight procedure recommendations. He also said that we did engage with DVAC to begin some work; and although they were initially receptive to it, they later chose to wait until Hughes analysis is complete.

A question-and-answer period followed regarding why DVAC changed their mind and the challenge of achieving the higher, faster recommendation.

Commissioner Burns expressed disappointment that the study is being delayed since in November, there was agreement to go forward with both firms at the same time. Chair Ruppert expressed concern about DVAC being able to achieve what they said they could do especially with the negative opinions by two other consulting firms that were interviewed as well as FAA's skepticism during the meeting at RSW on December 7, 2022. He said he would like Hughes to address this as a separate issue. He would like both firms to be working here but DVAC's choice was stated in their letter. From an objective viewpoint, Chair Ruppert didn't want to lose time but more importantly, didn't want to spend time doing something and then find out it has to be redone, or that it is not implementable. His long term viewpoint is that whatever is brought to the FAA, it is a one-time thing.

Mr. Rozansky stated that at the end of DVAC's feasibility analysis, they said the controllers at RSW were still resistant to increasing the 2,000-foot hold. DVAC admitted it was going to take a heavy lift to show them it is feasible. Mr. Rozansky shared that from his perspective, raising the 2,000-foot hold has been a priority since the late 1990's and it was rejected as part of the 1997 Part 150 Noise Study. He said we have made incredible progress. He added that the more independent analyses we have to show that raising the 2,000-foot hold is feasible, puts us in a stronger position within the FAA. He said we have to make sure the procedures are safe.

Chair Dustin commented about DVAC and Hughes and that their conclusions will make it much easier for either party or both parties to reduce the noise, which is the single most important thing we are trying to do.

I. CONSENT AGENDA

There were no consent agenda items.

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

1. Resolution 2024-1, Resolution of City of Naples Airport Authority Delegating Certain Administrative and Operational Powers and Duties to the Executive Director; and Repealing Resolution 2023-1

Commissioner Dustin moved approval of Resolution 2024-1, Resolution of City of Naples Airport Authority Delegating Certain Administrative and Operational Powers and Duties to the Executive Director; and Repealing Resolution 2023-1. Commissioner Cuddihy seconded.

Commissioner Burns proposed an amendment to this resolution. Under Item I., General Provisions, Paragraph C on page 2, he suggested to strike the words, "promulgate policies and" and adding subparagraph 1, below in red:

> This Resolution requires that the Executive Director ~~promulgate policies and~~ establish procedures controlling the administration, finance, operations, human resources, airport facilities, communications, information technology, engineering, and planning for airport facilities of the Authority.
>
> *1. The Board shall retain authority to promulgate policies. The Board is the policy making body of the Authority.*

Procedurally, Mr. Owens recommended to continue discussions and advised that any Commissioner can make a motion to amend the existing motion to incorporate changes.

Commissioner Burns moved approval to amend the current motion on the floor to delete the words "promulgate policies and" under paragraph 1.C. of Resolution 2024-1 and adding the following subparagraph, Section 1: "The Board shall retain authority to promulgate policies. The Board is the policy making body of the Authority."

Discussions followed regarding the proposed recommendation. There was concern that the amended language would take away the day-to-day operation of the organization. Commissioner Burns cited the example of the additional t-hangars in the airport's southeast quadrant which appeared on a Board agenda. He said it created a lot of controversy in the community and felt the Board should have had input in that policy.

In Commissioner Cuddihy's research of the word, promulgate, she said the meaning is to promote or make widely known. She said the Resolution provides for Mr. Rozansky to promote policy and establish procedures.

Commissioner Cavanaugh stated that the Resolution addresses the operational aspects of running a sophisticated business. He expects that the Executive Director would have the competency, character, and ethical commitment to do so, and expressed his support of the Resolution as it stands.

Mr. Rozansky said that it is understood that the Board sets policy and staff brings items to the Board for deliberation and consideration. He said he does establish procedures for the day-to-day administration and operation of the airport, but if the Board would like to amend the Resolution, it is their prerogative to do so. Separately, he addressed the issue about the t-hangars. He said those appeared in a utilization plan from 2018 and again in the most recent update in 2021. It was also included in the draft budget and adopted into the final budget by this Board. He said it is perceived that the Board supports moving forward with it at this point. He said projects are not included in the budget that we don't intend to move forward. He asked if there was a policy position of the Board not to add any more t-hangars and requested the Board's clarity.

Commissioner Dustin said that the idea of moving an airport is at least 20 years away, and we can't stop everything we are doing to present a first-class airport. Some of those t-hangars need to be replaced and is what we need to run the airport. Commissioner Burns responded that the policy discussion would be for the Board to decide on whether to follow the wishes of City Council. He stated that if a Commissioner cannot think of a policy that we should discuss as a Board, then we have a real problem which is why we need a change in this amendment. Commissioner Dustin said this Resolution allows the Executive Director to do his job.

Chair Ruppert said that he was present for all those meetings with City Council going back to 2021. He pointed out that certain members of City Council raised the topic of moving the airport. He said it wasn't voted on and wasn't even a consensus. He said a discussion does not make it an edict, and edicts do not become a requirement of the NAA Board. The NAA Board will elect what things we do as a Board on policy and expenditures, irrespective of what someone opining what we should or shouldn't do. He said there is an economic check and balance here and everything that Mr. Rozansky has done ended up having a price associated with it, and the price has a threshold that brings him before the Board. The Board can stop or modify something at that time. Chair Ruppert said amending the proposed Resolution would make it highly ineffective for the Executive Director to get his job done because he would have to wait a month for five members of the Board to convene. He said he has not seen the current practice fail as a process between the economic check and balance on it as well as anything of consequence being presented, and Mr. Rozansky nor any of his staff have withheld something important from the Board. He said he had full confidence in the Executive Director's ability. In addition, regarding the t-hangar project, Chair Ruppert said the project was about upgrading 42 spaces to replace potentially a waiting list of 44 spaces of current tenants on the airport as well as to replace the 33 spaces where the planes

currently sit. Looking at it from a real estate viewpoint, it was sensible to upgrade the facilities and recovering the financial aspect of it through the monthly rent.

Commissioner Burns said all the authority currently is given to the Executive Director to promulgate policies and procedures. His motion was to give the authority to the Commissioners to promulgate policies. He encouraged fellow Commissioners to support his amended motion.

Mr. Owens stated that Commissioner Burns made a motion to amend the Resolution but that a second to the motion was not made. Chair Ruppert asked for a second to the motion. It was not seconded, and the motion failed.

Chair Ruppert asked for a vote on the original motion made to approve Resolution 2024-1 as presented in its current form in the Board packet. The motion passed 4-1, with Commissioner Burns against.

K. NEW BUSINESS

There was no new business.

L. OLD BUSINESS

1. Avigation Easement for the Inlet Quay Development at The Commons - Professional Park (750 Goodlette Road)

Mr. Rozansky noted that the Board in December authorized the Executive Director to execute the negotiated avigation easement with the developer and their counsel for the proposed development known as Inlet Quay. Subsequently, at the January 10th Planning Advisory Board (PAB) meeting, certain members of the PAB expressed concern that the easement would hamper citizen's ability to submit complaints about the airport if this easement was recorded. The PAB recommended approval of the site plan with several conditions, including, "Inlet Quay shall agree to rescind the Avigation Easement with the consent of the Naples Airport Authority and make the notifications of airport proximity to residents as part of the condominium documents." Mr. Rozansky stated that City Council is expected to consider this item in February and requested Board discussion regarding the PAB's recommendation to rescind the avigation easement.

There was discussion about the PAB's position, what the easement does for public safety, height limitations and disclosures that are front and center in the real estate documents, lack of any communications with the developer or the developer's attorney since the PAB's recommendations, and that the avigation easement does not restrict any citizen's rights to address the airport any way they so choose. Commissioner Cuddihy asked the Executive Director if staff was looking for Board direction to proactively meet with the PAB or City Council to discuss the avigation easement's purpose before City Council's consideration of the PAB's recommendation. She expressed concern this might be an issue where City Council and the PAB do not have all the information they need, since they are interpreting it that the easement is a way to stop people from complaining about noise. Mr. Rozansky said that we could provide a copy of the easement to City Council to make sure they understand it in preparation of their upcoming meetings. Chair Ruppert said that he watched the PAB meeting, and the primary concern was that the PAB did not want any individual citizen to be restricted in their right to complain about the noise at the airport. He would like for the NAA to go back and let them know the Board addressed the concern and do not and will not

ever stop a citizen from approaching us about their concerns about anything on the airport, including the airport noise. Commissioner Cavanaugh concurred.

Chair Ruppert moved Board approval to reaffirm the avigation easement between the Naples Airport Authority and Inlet Quay that has already been executed and that the Naples Airport Authority is against rescinding it. Commissioner Dustin seconded. The motion passed unanimously 5-0.

There was Board consensus for the Executive Director and Authority Counsel to take action on the Board's behalf to explain the NAA's position on this matter with City Council, City Manager, and the City Attorney.

Mr. Owens confirmed that since the PAB meeting, he has not heard from the developer or the developer's counsel about the PAB's recommendation. He said he would reach out to the Inlet Quay developer/counsel, to explain the Board's clear position on this matter.

M. LEADERSHIP TEAM REPORT

1. Leadership Team Report

In response to Commissioner Cavanaugh's question about the t-hangar infrastructure buildout project, Mr. Rozansky confirmed that the project was not increasing the number of planes on the property.

Regarding the hangar waitlist, Commissioner Dustin pointed out that there are numerous aircraft, particularly jets, which may fly elsewhere to keep the plane out of the elements, causing more flights in and out because we don't have hangars to protect them. Mr. Rozansky said that although we don't know the frequency of occurrence, some jet owners have told him this. Commissioner Dustin stated that City Council members may think that restricting the number of hangars at the airport will reduce traffic, it could have the opposite effect.

Mr. Rozansky provided an update on UL 94 sales. He said sales remain steady around 15% of the total Avgas sales. He commended the two NAA-based flight schools, RexAir and Naples Air Center, who are driving nearly all the sales.

Chair Ruppert congratulated staff for achieving a 100% satisfaction rating on the Customer Satisfaction Survey in December.

Chair Ruppert said he is looking forward to the completion of the landscaping project on Airport Pulling Road.

N. FINANCIAL REPORTS

1. Financial Summary

Ms. Wiggins presented the financial summary report for the month of December. She said the year-to-date position before capital contributions was $3,404,987 and favorable to budget by $2,276,766.

Commissioner Dustin moved Board approval to accept the financials for December 2023, as presented by Ms. Wiggins. Commissioner Cuddihy seconded. The motion passed unanimously 5-0.

O. COUNSEL'S REPORT

1. Counsel's Report

Mr. Owens reported that there is no pending litigation or other material legal matters to discuss.

P. PUBLIC COMMENTS (5-minute limit)

There were no public comments.

Q. CORRESPONDENCE/COMMISSIONER COMMENTS & REQUESTS/MEETINGS

1. Picayune Strand State Forest - Commissioners Burns

Commissioner Burns presented the following five exhibits showing the location and size of the Picayune Strand State Forest.

Map 1 - High Level View of Area
Map 2 - Collier Boulevard to East Side of Picayune Strand
Map 3 - Everglades Boulevard @ I-75 Pumping Station
Map 4 - Three Pumping Stations - Picayune Strand
Map 5 - Existing Street Grid - Everglades Boulevard - I-75

Commissioner Burns stated that these maps show that the Picayune Strand is a platted subdivision and is still considered a residential subdivision. The site has been disturbed from its natural state.

Commissioner Cavanaugh commented that all Commissioners should cease and desist in terms of providing our own information regarding the relocation study and spend the next three months absorbing the information we are getting from the consultants as opposed to creating our own agendas. Commissioner Burns said he could agree to that. Vice Chair Cuddihy concurred with Commissioner Cavanaugh's comments.

Chair Ruppert invited Ms. Michele Arquette-Palermo of the Conservancy of Southwest Florida to the podium when she requested to make a comment regarding the aerial slides. She emphasized that all the land presented within these maps are part of the Picayune Strand Restoration project, which is a part of the Comprehensive Everglades Restoration project that was authorized by Congress. Ninety-five percent of the roads presented have been eliminated, with one road remaining to move equipment. Construction of the lift stations is complete, which could be fact checked with Steve Basin, Project Manager for the U.S. Army Corps who is overseeing this 40-year restoration project.

2. **Potential Land Use Measures for Pursuit Outside of the 14 CFR Part 150 Process - Commissioner Burns**

Commissioner Burns explained that the excerpts provided in the Board packet are from the Part 150 Noise Study and were printed from the flynaples.com website. He said that in Sections 3.4 and 3.7, the purpose of the Study was to investigate the feasibility of relocating the Naples Municipal Airport. He said that is why the NAA is conducting the airport exploratory study.

Chair Ruppert highlighted the last sentence in Section 3.4 which states, "As a result, NAA could perform a site feasibility study to determine if there are potential sites that could serve the Naples community and would not be precluded from development due to state or Federal environmental regulations." He added that this is a grounding point within this paragraph.

Chair Ruppert invited Mr. Keaton Phillips to the podium when he requested to make a public comment regarding the feasibility study and a potential implementation that could take over 20 years. He asked if it was the Board's view that new development and improvements on the field cease during the study or if that opinion will be determined when the study is completed. He opined that while the feasibility study is for a future project, he did not believe that future development and improvements at the current Naples Airport should be halted or tied to a study for a future development down the road.

3. **Final Part 150 Noise Compatibility Program - Airport Relocation Study - Commissioner Burns**

Commissioner Burns referenced his email to Mr. Rozansky dated January 17, 2024, with the subject title, Part 150 Final Recommendations regarding Airport Relocation Study. The email included two pages of an exhibit titled "List of Potential NCP Measures", and it highlighted "Potential Measures for Pursuit Outside the 14 CFR Part 150 Process." The measure, "Investigate the Feasibility of Relocating Naples Municipal Airport" was listed under this heading. He defined "feasible" as capable of being done or carried out. He opined that ESA's study of "identifying potential sites" does not go far enough for him and does not go far enough for the Part 150 study. He said he studied our enabling legislation created in 1969, and in his opinion, the Act provides the Naples Airport Authority the power to operate an airport anywhere in Collier County.

Commissioner Burns' feeling about what we should do with the existing airport will go beyond this discussion this morning. Whether we continue to do construction on the airport now to add volume is a policy decision.

Commissioner Cavanaugh said he was not sure what the point of Item 3 was. Under Correspondence/Commissioner Requests, Item 2 above, regarding the excerpt under Section 3.7, he asked if there was a requirement for us to engage the FAA in the discussion for measures outside of the Part 150 process. Mr. Owens stated that there is no requirement to do so.

Other Commissioner Comments

Commissioner Cavanaugh said that over the holidays, Mr. Rozansky and Board members received three letters from Ms. Mary Tatigian dated December 27th, January 3rd, and January 5th. He thought it was important to publicly acknowledge her and let her know that he read the letters and

appreciated her input and comments. He said he would like to respond in an appropriate manner; and in terms of Sunshine Law, he wanted to inform fellow Commissioners that he was planning to develop an email responding to the various comments and questions put forward. He said he would make it clear that his response represented his thoughts and opinions and not necessarily of the Authority. He wanted to go on public record to ask her for general information as he compiles his response in his capacity as a Commissioner and better frame the conversation for all Board members. Commissioner Cavanaugh read aloud an overview of his response prepared, and his notes are attached.

Mr. Owens recommended that Commissioner Cavanaugh send the response on his own and not copy any of the Commissioners. He said Commissioner Cavanaugh had every right to compose an email while making it clear that it is his opinion but not necessarily the policy of the NAA. Mr. Owens stated that he could bring his response back to the next meeting for discussion if he wanted to. Mr. Owens suggested that Ms. Tatigian be reminded not to respond to the communication to all the other Commissioners in order to avoid any inadvertent or potential violation of the Sunshine Law.

Commissioner Dustin commented that it has been a pleasure serving as Chairman. Regarding the appointment as Chair of the Consultant Selection Committee, Commissioner Dustin said with his schedule and Commissioner Burns often being remote, it makes it much more difficult to schedule a meeting. He suggested Chair Ruppert consider adding another member to the Committee. Chair Ruppert requested this be put on next month's agenda to discuss. Mr. Owens suggested that as part of next month's discussion about this, that the Board consider lowering any quorum requirements so that two members, if a third member is appointed, would constitute a quorum. He explained that a quorum is necessary before you can ask another member who wants to attend remotely to opt in. It is critical that we make sure we possibly lower the quorum if it is currently the full membership. He said Chair Ruppert could make an additional Committee appointment; then an amendment to the Bylaws would be presented to the full Board, which would require a majority vote, to increase the number of members on the Committee and to change the quorum requirements.

Chair Ruppert thanked Commissioner Dustin for his service and all the Commissioners for sharing information relative to their own points of view as well as to the topics presented on the agenda.

With no further business, the meeting adjourned at approximately 1:30 p.m.

Christopher A. Rozansky
Secretary

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

Dear Ms. Tatigian –

I am responding to your emails of 12/27, 1/3, and 1/5. I thank you for your input and comments. Before I try to respond to your comments/questions I would appreciate some general information to help me in my capacity as commissioner and to better frame the conversation for all. I would appreciate you providing:

The mission statement and goals of QuietFlorida?

Please direct me to the website address?

Please provide officer and director names, and email contacts.

Have the comments/concerns you have outlined in your emails been vetted and endorsed by the QF board?

Is it possible for the NAA to get the email addresses of your 1000 members? This would facilitate quick reliable information flow to your group that would be a great benefit to them.

Lastly please send me a membership application as I want to join and support your organization.

Now I would like to respond to your questions/comments embedded in your emails. These are my personal viewpoints and not necessarily those of the NAA.

With regard to the 12/27 email

We are building and remodeling more hangers to address the needs of the local citizen aviation need. If the airport were to relocate it would be a 10 – 20 year process and thus responding to current need for on premise clients makes sense.

All private aviation uses Ft Myers Airport Private Sky based on need and client preference. Airport use is dictated by customer need and preference just like other transportation choices made by all travelers.

We are building an observation deck and recreational area for the benefit of those citizens who enjoy observing aviation activities. All airport projects are paid for by the NAA via the aviation community and not one dollar of city or county tax receipts are used in the operation or capital needs of the airport.

I am not sure what you mean when you say "Are we getting the correct facts?" I Would appreciate more background on this question.

Responding to your 1/3 email

You use the word "criminal" several times and I take this word/concept very seriously as a commissioner, business executive, and citizen.

Please provide the facts, interactions or observations you have where the board, officers, or staff have acted criminally.

The flight schools represent only % of the operations at the airport.

You mention that the "Downtown is a complete mess". Can you give me more details on this concern? I have been looking for input from the Chamber, 5th Ave. Business Improvement District, Naples Area Board of Realtors, hotel owners, restaurants, medical facilities, and other businesses. To date, I believe all have been silent on the issues.

Stopping FAA grants would not change flight patterns, pilot behavior, or air traffic controller direction. This federal money is needed to maintain a safe and efficient airport.

Responding to your 1/5 email

Concerning your specific technical/aviation questions I will make sure the NAA responds in written format.

On the flight school issue, I was unaware of the demographics of their client base. This is interesting information. Please provide me with the info you have on the wealth and country of origin of this customer base.

Can you provide the medical and scientific articles/journals you are relying on for your statements about noise and air pollution? These would be very helpful for all to obtain, read and understand the medical issues to create a common understanding as to the facts and how these facts relate to a GAA airport like Naples.

The noise meters provide reliable factual data on ambient noise in terms of duration and intensity. Developing this information can lead to real discovery of the sound issues we all are dealing with (I live one mile from the airport off runway 5/23). I would propose we put a device in your neighborhood to get absolute and relative sound data.

My Summary

I apologize for the length of this response but I felt it important to respond on the many points you raised over the holidays. You have my commitment to work with you and the other officers of Quiet Florida on solutions that really work and can be supported by the NAA and the FAA. I look forward to the exchange of information. I will stay apprised of the data the NAA staff forwards to you. I would ask that the info you provide is sent to me and Chris Rozansky. Once we have **ALL** the data outlined, I suggest we

meet with staff to review discoveries and positions.

I also suggest that you engage your membership in communicating with the FAA. They are the key to getting procedures changed and creating a more accelerated timeline.

I also urge your membership to reach out to our local federal officials to help them frame a national position on aviation noise and pollution regulation.

Thank you again for your input. I look forward to our meeting.

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

FINAL AGENDA

Airport Office Building, 2nd Floor
200 Aviation Drive North
Naples, FL 34104

To Listen Live: https://www.flynaples.com/live-stream-video/

Thursday, January 18, 2024
8:30 a.m.

Commissioner Kerry C. Dustin – Chair
Commissioner Rick Ruppert – Vice Chair, Consultant Selection Committee Chair, Audit Committee Member
Commissioner Rita Cuddihy – NCC Liaison
Commissioner Robert P. Burns – Consultant Selection Committee Member, Audit Committee Member
Commissioner Terrence W. Cavanaugh – 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. December 14, 2023, Regular Meeting Minutes

E. PRESENTATIONS AND TIME CERTAIN ITEMS

1. Authority Counsel Named to Management Committee of Bond, Schoeneck and King. PLLC

2. Airport Exploratory Study Kickoff

3. Historic Airport Relocation Documents

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

G. ELECTION OF OFFFICERS

1. Election of Chair

2. Election of Vice Chair

3. Committee Appointments

H. NOISE

1. Noise Compatibility Committee Update

2. Noise Report

3. Update on Flight Procedures Design

I. CONSENT AGENDA

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

1. Resolution 2024-1, Resolution of City of Naples Airport Authority Delegating Certain Administrative and Operational Powers and Duties to the Executive Director; and Repealing Resolution 2023-1

K. NEW BUSINESS

L. OLD BUSINESS

1. Avigation Easement for the Inlet Quay Development at The Commons – Professional Park (750 Goodlette Road)

M. LEADERSHIP TEAM REPORT

1. Leadership Team Report

N. FINANCIAL REPORTS

1. Financial Summary

O. COUNSEL'S REPORT

1. Counsel's Report

P. PUBLIC COMMENTS (5-minute limit)

Q. CORRESPONDENCE/COMMISSIONER COMMENTS & REQUESTS/MEETINGS

1. Picayune Strand State Forest - Commissioner Burns

2. Potential Land Use Measures for Pursuit Outside of the 14 CFR Part 150 Process - Commissioner Burns

3. Final Part 150 Noise Compatibility Program - Airport Relocation Study - Commissioner Burns

R. ADJOURN