Thursday, January 19, 2023
Naples Airport Authority: Regular Meeting Minutes

The meeting was called to order by Chair Dustin at 8:35 a.m. in the Council Chambers at City Hall.

Chair Dustin reported that at the December 15, 2022, Regular Meeting, Commissioner Cavanaugh shared personal comments indicating his intention to resign effective at the end of the meeting. Following Commissioner feedback, Commissioner Cavanaugh agreed to reconsider his proposed resignation and to let Mr. Rozansky know of his decision the next day. Following Commissioner Cavanaugh's comments, Authority Counsel confirmed that Commissioner Cavanaugh remained a Commissioner in good standing until he delivered a resignation in writing. The next day Commissioner Cavanaugh sent a letter, which is attached to the December minutes, affirming his commitment to continue serving as a Commissioner. Chair Dustin thanked Commissioner Cavanaugh and stated that the summary of facts contained in his letter was clear and well stated and should be read by all.

A. ROLL CALL

1. 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. Warriner, Mr. Gray, Mr. Brown, Ms. Zadorecky, Mr. Gamboa, Mr. Reyes, Mr. Dietrich, Mr. Shaw and Ms. Menard. Mr. Burch arrived after roll call.

B. PLEDGE OF ALLEGIANCE

Chair Dustin led the Pledge of Allegiance.

C. AGENDA

Regarding the Board packet, Mr. Rozansky stated that changes were made to the Board packet as follows:

- **H. Consent Agenda**

  Action Item 4 – The briefing paper was revised, and the following sentence was added in the second paragraph after the table to explain why Zoom was not the preferred vendor: "Zoom is not recommended due to its inability to meet the requirements of public meetings using multiple room layouts."

- **I. Noise**

  Item 2, Noise Report – There was an error found on page 14 of the Noise Report. The number of noise comments in the Old Naples neighborhood should have been 19 and the number of households, 6.

- **Action Item 2, Easement with Florida Power and Light for the Installation of the Electrical Service Line to 333 Falcon Lane** – Chair Dustin requested this item be moved into the Consent Agenda.

- **Action Item 3, First Amendment to Sublease with CenturyLink of Florida, Inc.** – Chair Dustin requested this item be moved into the Consent Agenda.

Vice Chair Ruppert moved Board approval of the agenda as amended above. Commissioner Cuddihy seconded. Motion passed unanimously 5-0.

D. MINUTES

1. December 15, 2022, Regular Meeting Minutes

Vice Chair Ruppert moved approval of the December 15, 2022, Regular Meeting minutes. Commissioner Cuddihy seconded. Motion passed unanimously 5-0.

2. January 6, 2023, Consultant Selection Committee Meeting Minutes

Commissioner Cavanaugh moved approval of the January 6th Consultant Selection Committee Meeting minutes. Commissioner Burns seconded. Motion passed unanimously 5-0.

E. PRESENTATIONS AND TIME CERTAIN ITEMS

1. Employee of the Quarter

Chair Dustin introduced and recognized Mr. Gregg Shaw, ramp assistant in the FBO, as Employee of the Quarter for Quarter 1. He said Mr. Shaw has been with the NAA since July 2021 and in the short time, has demonstrated leadership skills that have exceeded our expectations. Chair Dustin applauded Mr. Shaw for his impeccable customer service skills and the example he sets for others in his interactions. He congratulated Mr. Shaw for being an excellent mentor with attention to detail and a sincere interest in seeing everyone around him succeed.

F. PUBLIC COMMENTS

There were no public comments.

G. ELECTION OF OFFICERS

1. Election of Chair

Mr. Rozansky stated that in accordance with the Authority Bylaws, the election of Chair and Vice Chair for a term of one year are held at the January Regular Meeting, and following the elections, the elected Chair shall appoint members of all committees of the Board, who shall serve at the pleasure of the Chair. He explained the process for the election of officers and noted that all Commissioners are eligible to serve as Chair.

Vice Chair Ruppert nominated Commissioner Dustin to serve as Chair for a second term. He said that Chair Dustin did a great job in his first year and would look forward to a better year under his leadership and guidance.

Authority Counsel Owens asked Commissioner Dustin if he was willing to serve as Chair. Commissioner Dustin accepted the nomination to serve as Chair. Mr. Owens 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 Commissioner Dustin as Chair of the Board for a term of one year.

Chair Dustin thanked his fellow Commissioners for the confidence they have placed in him to serve as Chair.

2. Election of Vice Chair

Commissioner Cuddihy nominated Commissioner Ruppert to continue to serve as Vice Chair for a period of one year. She said that he has done an excellent job. Commissioner Ruppert accepted the nomination. There were no other nominations. After a roll call vote, motion passed unanimously 5-0 to elect Commissioner Ruppert as Vice Chair of the Board for a period of one year.

3. Committee Appointments

Chair Dustin appointed Commissioners to serve as follows:

Audit Committee:	Mr. Cavanaugh, Chair Mr. Ruppert, Member Mr. Burns, Member
Consultant Selection Committee:	Mr. Ruppert, Chair Mr. Burns, Member
Noise Compatibility Committee Liaison:	Ms. Cuddihy
Technical Advisory Committee Liaison:	None appointed at this time since the work of the TAC has been completed.

Commissioner Cuddihy asked that even though we don't anticipate the TAC coming back together soon, what if there is a need for them to come back. Chair Dustin said he would prefer to make the appointment if/when that time comes to see what the circumstances are.

H. CONSENT AGENDA

Chair Dustin stated that the Consent Agenda is a new effort to save time. He said that it allows grouping of items into a single agenda item that can be voted on in one action and includes topics that do not require deliberation. He explained the procedure to have basic discussions and opportunities to move items from the Consent Agenda if any Commissioner requires more deliberation.

Commissioner Burns moved Board approval of the use of the Consent Agenda process. Vice Chair Ruppert seconded. The motion passed unanimously 5-0.

Chair Dustin requested a motion to approve the following Consent Agenda items:

1. **Approval of Consultant Selection Committee Rankings and Authorize the Executive Director to Execute a Professional Services Agreement for On Call Appraisal Services**

2. **Board Ratification of $25,000 in Hurricane Ian Related Expenditures or Contracts Authorized by the Executive Director**

3. **Purchase an Aircraft Tug in an Amount Not to Exceed $154,762**

4. **Purchase and Install Audio Visual Equipment in the Airport Office Building Conference Room in an Amount Not to Exceed $186,192**

5. **Easement with Florida Power and Light for the Installation of the Electrical Service Line to 333 Falcon Lane**

6. **First Amendment to Sublease with CenturyLink of Florida, Inc.**

Commissioner Cavanaugh moved Board approval of the six items included in the amended Consent Agenda. Commissioner Cuddihy seconded. The motion passed unanimously 5-0.

I. NOISE

1. Noise Compatibility Committee Update

Commissioner Cuddihy announced that the next Noise Compatibility Committee meeting will be held on February 23rd with the location still to be determined. She said there has been no new meeting since the last time the Board met so there was nothing new to report. She said that staff continues to meet with members of the community, and there was a recent meeting held with the Spring Lake neighborhood in Old Naples. She stated public outreach and engagement are critical to the NAA's efforts to engage with the community. Mr. Zac Burch, Communications and Community Engagement Manager, is working with the Board and 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.

Mr. Rozansky announced that there are three members of the NCC whose terms expire at the end of March and an advertisement has been placed soliciting applications that will close on February 13th. Interviews will be held at a subsequent Board meeting prior to the expiration of the terms. For anyone interested in serving on the NCC, they can go to www.flynaples.com to fill out an application.

Mr. Rozansky noted that open positions include the Collier County at Large, currently filled by Mr. Harvey Cohen; the Northwest Quadrant, currently filled by NCC Chair, Chris Auron; and the City at Large, currently being served by Cliff Holland. Each are eligible to reapply, and each of these members have expressed an interest to continue to serve.

2. Noise Report

Mr. Rozansky reviewed the Noise Report as provided in the Board packet. He said that the report continues to evolve. He noted that our curfew violations and noise comments are down more than

double the decrease in jet activity. He said that the steps we are taking with curfew violator outreach and corporate goodwill, with some operators choosing to reduce or eliminate their curfew violations, has been effective.

Vice Chair Ruppert said that it is important to identify curfew violators but also stated it was important to recognize people who are actively trying to participate in our voluntary curfew program. He congratulated Mr. Stephen Myers of Elite Jets who on two occasions absorbed the cost of their crew and the aircraft for staying at alternate locations in order not to violate our curfew. He added that Elite Jets has been on our top ten violator list in the past.

On page 4 under the section, Highlights of Curfew Violator Responses, Commissioner Cuddihy commented that we need to keep a watchful eye on the six people who were previously contacted, claiming they were unaware of the curfew.

On slide 5, December – Top Curfew Violators with Contact Information, Commissioner Cuddihy stated she would be happy to send a letter to Flight Options LLC/FlexJet LLC about the importance of our curfew program. She also noted that NetJets has been back on our list for the past two months.

On slide 14, Chair Dustin noted that 59% were from four households and asked if these households were located in the City. Mr. Rozansky said that three of the households were outside the City (Briarwood, Grey Oaks and Rock Harbor) and one in the City (Coquina Sands).

On the first slide, Commissioner Burns requested an update on the meetings held on January 5th and 13th with two separate consultants who are experts in designing airspace and flight procedures in accordance with FAA requirements. Mr. Rozansky stated that the FAA is stretched too thin and that our intention is for ESA to engage one of these two design consultants who can conduct technical analysis of our airspace and flight procedures to present to the FAA to move the process along. He added that we could learn definitively from their analysis if a procedure would not work and why. Mr. Rozansky stated that this would be part of ESA's scope related to the Noise Study.

3. Summary of the Operational Briefing with the FAA

Mr. Rozansky said that a brief summary of the operational briefing with the FAA on December 14th was provided at the December 15th Regular Meeting. A more detailed technical summary from the FAA meeting was included in the Board packet. He said that the intention of these notes was to submit them to the FAA to make certain that all participants in the meeting were on the same page about what was said during the meeting and what the follow-up action items were. Mr. Rozansky said that the notes will be published on our website under the Part 150 Study section but before doing so, they will be revised so they are easier to read by a lay person. He said that Mr. Michael Arnold of Environmental Science Associates (ESA) was present today to answer any questions.

A question-and-answer period followed regarding the number of conflicts in the 3,000 foot protected airspace area that would occur with increasing the altitude above 2,000 feet. Mr. Arnold stated that by our bringing in a flight procedure expert to explore design concepts would be helpful in resolving these issues and expedite the FAA's assessment of the proposed ideas.

Mr. Rozansky stated that Mr. Michael O'Hara, the FAA's Regional Administrator, acknowledged receipt of our meeting summary and would be following up. He commented that the FAA will

also be sharing their PowerPoint presentation given at the December 14th meeting, which Mr. Rozansky found enlightening.

Commissioner Burns complimented Mr. Arnold on the bullet point format of the summary report and stated that it cleared up several issues for him. He said he was encouraged by Mr. Rozansky's actions to interview two consultants who can help with flight procedures to see what is technically possible. He commented that Mr. O'Hara was the most important person in the FAA meeting because he is a political appointee of President Biden and would be receptive to citizen input.

Commissioner Cavanaugh expressed frustration with having 17 federal employees in a meeting and after five weeks, just now getting a phone call to acknowledge the report. He requested staff to respond to the FAA immediately after this meeting of what our expectations are and ask for a timeline for getting answers. He was unclear about the need for flight procedure experts, and Mr. Arnold explained that these experts develop flight procedures for the FAA and have the technical expertise to do so, speeding up the process.

Mr. Rozansky stated that we have asked the FAA for a timeframe for response. He added that in the meeting, the FAA did express a sense of urgency in responding to these issues.

4. Part 150 Noise Study Update

Mr. Arnold gave a brief overview of the Part 150 Noise Study Update process. He reviewed the timeframe of the Study, how the COVID-19 pandemic effected the process and extensive stakeholder outreach activities held to identify and vote on recommended noise abatement measures. He said that we are nearing completion of the Study now, and in the process of finalizing the draft Noise Compatibility Program Report. The goal is to publish the Notice of Availability of that Report on February 5th and release it on February 6th. Two Workshops/Open Houses will be held on March 9th from 11 a.m. to 1 p.m. and another one from 4 p.m. to 6 p.m. A public hearing on the evening of March 9th where the public could provide comments on the record.

He noted that anytime within the document review process, the public can make comments in writing. All of the comments are considered the same whether they are offered at the public hearing or provided in writing at the public workshops. In addition, there will be a one-week period after the public hearing in which people can get their comments together. The comment period would close on March 17th. All the comments received from the public would be compiled and the results presented at the April Regular Meeting for Commissioners' review relative to all the various measures. The Board would then take a position at that time on which measures formally get submitted to the FAA as part of the final NCP document.

Mr. Rozansky reiterated that staff would come with final recommendations to the April 20th Regular Meeting and that the final NCP would then be submitted to the FAA at which time they have 180 days for their review. He said that during that time, other work will be going on because many of these measures technically fall outside the Part 150 Noise Study.

Commissioner Cuddihy asked if the Board was planning to meet with City Council again. Mr. Rozansky stated that there was no meeting scheduled and didn't think it was necessary at this time. Chair Dustin asked Councilor Petrunoff, who was in the audience, if she had any thoughts about this. Councilor Petrunoff stated that the Noise Study is a high priority for the City and that they would make the time to work in whatever manner would be most effective to accelerate the NCP.

Councilor Petrunoff commented that there has been plenty of feedback from the community and that she didn't think there would be any new ideas from the Open Houses. Although extensive outreach has already occurred, Mr. Arnold explained that the Open Houses/Workshops and the formal public hearing is part of the mandatory process of the Study.

Mr. Rozansky stated that an NCP presentation could be given to City Council, but he was unsure of the value of another Joint Meeting to discuss it, unless there was a change in their position. Councilor Petrunoff said that it might be helpful to express to City Council why it might be difficult to implement the higher faster procedure because of the conflicts in the air and communicate our timeline and expectations for the FAA to respond to our questions.

Commissioner Burns commented that the Open House/Workshops as well as the formal public hearing is an important part of the process, especially given the pushback with the opposition to send flights over other neighborhoods.

Councilor Petrunoff suggested that the NAA look at the successful changes made at the LaGuardia Airport in getting changes including dispersion in their community. Mr. Arnold stated that he was the technical director for LaGuardia's process, and that one of the things that LaGuardia had going for it was that they had a substantial number of people within the 60 DNL contours around the airport. He said they were able to demonstrate meaningful noise reduction in noncompatible land use and had FAA regulatory backing. In Naples, he said we are looking at areas beyond that, and it is much more challenging to get the FAA to the table.

There was discussion to accelerate the Board's review of the written comments received following the public comment period to the March 16th Regular Meeting rather than the April Regular Meeting. Vice Chair Ruppert stated that it would give the Board more time to review and determine their position on the measures. Mr. Rozansky stated that the Board would not have the benefit of the summary of all the public comments in time for the March Regular Meeting. He added that it is a tight time frame for ESA to generate the statistics around those comments that in theory would help inform the Board's final decision-making.

Regarding the 180-day timeline that the FAA has to review the NCP, Mr. Arnold said to keep in mind that many of the measures that will be identified in the NCP are measures to pursue outside the formal NCP approval process because they don't demonstrate a reduction in noncompatible land use within the 60 DNL He said those measures are not subject to the 180-day review, but are used in the Part 150 process to advance those measures on a separate expedited track.

Mr. Rozansky stated that the FAA asked the NAA to separate the measures that would qualify under the NCP. He said there is only one measure, the increase of the glide slope on approach, that could be included in the NCP. All of the other measures are on this parallel track, and it demonstrates the shortcomings of the Part 150 process, which he said will be a great lead-in to our lobbying efforts.

Commissioner Cuddihy said it would be helpful for staff to request the FAA to weigh in on our questions before the release of the draft Noise Compatibility Program Report on February 6th.

Commissioner Burns announced that he would be giving a presentation at the end of the agenda in today's meeting related to this agenda item. He said his presentation includes research that he has done himself and focuses on how the Part 150 Study looks at safety and efficiency which is

the FAA's No. 1 and No. 2 priorities. He said he was willing to share his presentation with anyone interested in getting a copy.

5. Noise and Operations Monitoring Systems

Mr. Arnold said that Mr. Justin Cook, Senior Principal Aviation Specialist, of ESA was joining via Zoom today and was available to answer any questions during the presentation. Mr. Arnold presented an overview of a Noise and Operations Monitoring System. He said it was a complex computerized system that an airport uses to collect, manage, analyze, and communicate noise-related data. He provided the history of the systems implemented in the U.S. and stated that many systems were approved as a noise compatibility program measure in the Part 150 Noise Study which were eligible for federal funding. He said that in order for the FAA to participate in funding, the noise monitoring systems would have to be located within the 60 DNL contour. He added that the maintenance would not be eligible for funding.

He said that the technology has changed over the last decade. He described two different forms (permanent and portable) of the NOMs terminals available and said that placement is an important consideration so that they are not competing with other external noise factors.

Chair Dustin said that Councilor Petrunoff asked that the NAA consider this type of system, and he had asked Mr. Rozansky to add this item to today's agenda. He asked for Board feedback about the system.

Commissioner Burns said he didn't see the necessity of it within the 60 DNL contour but did see the advantage of these systems in the community because it shows we care about the sound.

Commissioner Cavanaugh said he was in favor of implementing these systems and proposed that we move forward with this. He wanted to bifurcate the two types because the timeline for the permanent one strikes him as a fairly extensive process around zoning. He suggested purchasing two portable ones and get those into the community as soon as possible. He said we should also move ahead in a formal Request for Proposal process for the installation of permanent ones.

Commissioner Cuddihy liked the idea of bifurcation. She said it is smart for us to do this and smart to do it sooner rather than later because as we begin testing some of the things that will come out of the Part 150 Study and the parallel track down the road, we will have a baseline to work from to compare data.

Vice Chair Ruppert was strongly in favor of doing this and doing it in the bifurcated approach. He said it would show that we are trying to respond to their complaints. He also liked the idea of putting systems in permanent locations, such as Cambier Park.

In response to Chair Dustin's question regarding the system's capability to differentiate non-aircraft noise, Mr. Cook stated that there are certain threshold parameters that can be set up to capture aircraft and non-aircraft noise events. He said that the system has a high 90's percentile of being able to correlate noise events with the actual track of an aircraft. He added that the system isn't perfect, and it could pick up another noise component at the same time the aircraft was in the vicinity. A discussion followed regarding the ability to trick the device, particularly a portable device, to which ESA responded that does happen and it was their preference to place portable terminals on public property rather than private property.

Chair Dustin said the portables would help us to understand the loudest voice issues and he liked the idea to bifurcate the two solutions. He reminded everyone that the system is not perfect.

Councilor Petrunoff expressed her appreciation for the Board's support of this initiative and offered to work with the NAA and the City on getting these systems placed on public right of ways where people are unable to game the system. She said that this system will allow us to independently monitor noise in an unbiased, statistical way vs. relying on residents to monitor it and their tolerance toward it. She did, however, applaud the residents who give feedback.

Regarding Councilor Petrunoff's suggestion to put the systems south of Fifth Avenue, Commissioner Cavanaugh said he would like to see a comparison of Fifth Avenue and south of Fifth for perspective of the total noise issue in the City.

There was discussion regarding synchronizing a video camera in the location of a monitor and the possibility of putting a system in the area of a cell tower.

Chair Dustin stated there was a consensus to move forward with the purchase of portables and permanent noise monitoring systems in a bifurcated manner.

Chair Dustin called for a short recess at 10:31 a.m. and reconvened the meeting at 10:44 a.m.

6. Implications of Declining Further AIP Grant Funding

Mr. Rozansky noted that the memo attached to the briefing paper on this topic was prepared by Mr. Peter Kirsch of Kaplan, Kirsch & Rockwell, LLP at the request of the Board. Based on the discussion that has happened over the past few months about acceptance of grants as well as who the airports are that have refused grants and their purpose for doing so. He introduced Mr. Kirsch who was in the audience to respond to any questions.

Mr. Kirsch said the one takeaway from the memo was the myth that if you stop taking grants, the Authority or the community would have greater control of the airport. He said that because the Naples Airport has taken grants for the purchase of property, as long as the airport is open, we are subject to federal grant requirements. Unless the intent is to close the airport, he said not taking federal grants does not make a lot of practical sense.

Mr. Kirsch gave three examples of communities who have relocated their airport including Pensacola, Florida; Denver, Colorado; and St. George, Utah. He said all three had airports in urban locations and relocated to more rural locations. He said the FAA did support the relocation of these three airports because the airport location was not compatible with growth of the airport and the interest of the aviation community. He added that the FAA is not particularly supportive of relocating airports in most instances because the cost involved is something the FAA will not defray.

Commissioner Cuddihy commented that she was involved in the Denver airport early in her aviation career and said the reason that airport moved was not because of noise, it was because the runways were built too close together for simultaneous approaches so couldn't physically handle the volume anymore. Mr. Kirsch added the expansion of the airport was not possible because the adjacent property was one of the most contaminated in the world due to a former military arsenal.

Commissioner Cavanaugh stated that the issue of whether to accept grants or not accept grants is a recurring theme discussed every time a grant request is made. He requested a policy discussion about the Board's position on its support for grant funding for capital improvements. He suggested that the Board discuss the policy matter once each year for the coming fiscal year. Chair Dustin thought it was an interesting suggestion and welcomed Board and staff input about this. Following discussion, there was Board consensus to support and accept grants for capital improvements as a matter of Board policy for this fiscal year.

Mr. Rozansky asked if it would be helpful for Mr. Kirsch to prepare a memorandum summarizing situations similar to the Naples Airport as it pertains to moving an airport. Mr. Kirsch stated that about 15 years ago, he prepared a report for the Martin County Airport for its consideration in relocating its airport. Commissioner Cavanaugh said it was more important to conduct a more formalized study after the completion of the Part 150 Study and discuss it as a community in coming to a conclusion about this issue. Mr. Rozansky stated that he will work with Mr. Kirsch on drafting a memo of what other airports and communities have done as a baseline reference for future deliberation.

7. Legislative Priorities

At the Joint Meeting with the NAA and City Council, Mr. Kirsch said several next steps for the process of pursuing a legislative strategy to address noise issues at the airport for the community were laid out. He explained the legislative process as well as the 2023 FAA reauthorization process that occurs every five years. Mr. Kirsch said that it is important to make your mark in early in the process, he emphasized the importance of local support in reaching out to our Congressional delegation.

He reviewed five legislative approaches that we could take and stated that it is unlikely that we would be able to achieve all five of them:

A. Permit NAA to improve flow control during designated hours for part of the year.

B. Permit NAA to establish differential charges for nighttime operations.

C. Permit NAA to extend its existing restriction on stage 2 jet aircraft to include older stage 3 aircraft.

D. Require FAA to allow the use of seasonal noise contours and local noise thresholds for noncompatible land use, proposing noise or access restrictions and qualifying for FAA grants.

E. Expedite the phase-out of leaded aviation fuels by allowing incentives for use of unleaded fuel.

A question-and-answer period followed.

Commissioners provided feedback on prioritization of these five approaches as follows with 1 being highest priority and 5 being lowest priority:

Commissioner	A	B	C	D	E
Mr. Burns	2	1	3	4	5
Mr. Cavanaugh	1	2	3	4	5
Mr. Ruppert	2	1	3	4	5
Ms. Cuddihy	2	3	4	5	1
Mr. Dustin	2	1	3	4	5

There was consensus to pursue the priorities in this order:

1) B
2) A
3) C
4) D
5) E

Mr. Kirsch stated that he will submit draft talking points to Mr. Rozansky on these priorities in order to encourage letter writing. He said that over the course of the next several weeks, Mr. Rozansky and Mr. Kirsch will aim to meet with members of Congress in March. Commissioner Cavanaugh and Vice Chair Ruppert reiterated the importance of the letter writing campaign, outreach to the City, County, press as well as enlisting the citizens in this process.

Vice Chair Ruppert requested a plan of action to address the public from a public relations and communications standpoint for presentation at the next Board meeting.

J. ACTION ITEMS (Public Comment accepted for each item – 5-minute limit)

1. Resolution 2023-1, Resolution of City of Naples Airport Authority Delegating Certain Administrative and Operational Powers and Duties to the Executive Director; and Repealing Resolution 2022-1

Mr. Rozansky requested discussion and authorization for the Chair to execute Resolution 2023-1, Resolution of City of Naples Airport Delegating Certain Administrative and Operational Powers and Duties to the Executive Director; and Repealing Resolution 2022-1. He said that each year, at a minimum in January, an update is presented to the Board. A few revisions are highlighted in the Board packet cover memo along with a redline comparison of the recommendations to the existing Resolution 2022-1.

Chair Dustin stated he was uncomfortable with the revision on page 6 under Article IX, Section D, authorizing the Executive Director to settle litigation so long as any payment made in connection therewith does not exceed $100,000. He suggested that the amount be amended to $25,000. He expressed concern that an amount greater than $25,000 sets a tone that we are an entity that rolls over on litigation. He stated that we clearly do not.

As a historical reference, Mr. Owens pointed out that in last year's Resolution with respect to settling litigation, there was no dollar amount provided and that this is a new provision. He said there was limited authority for the Executive Director to settle short term lease matters but other than that, all settlements would have had to go to the Board.

Chair Dustin requested Board discussion of the recommended changes to the proposed Resolution. There was consensus to change the proposed litigation settlement amount under Article IX, Section D from $100,000 to $25,000 and to accept all other revisions as written.

Vice Chair Ruppert moved Board approval for the Chair to execute Resolution 2023-1; Repealing Resolution 2022-1 with a change in Article IX, Section D, (i) for the dollar threshold to be $25,000 from the current recommendation of $100,000. Commissioner Cuddihy seconded. Motion passed unanimously 5-0.

K. NEW BUSINESS

1. Master Drainage Plan

Mr. Keith presented an overview of the Master Plan Update and an upcoming project to improve stormwater on the airport. Periodically, he said the NAA is required to update the Master Drainage Plan on record with the South Florida Water Management District. He stated that over the next couple of months, new rules are going into effect, and any changes to our airfield will have to meet the new regulations. He explained the possible conflicts between the City, State and Federal agencies with the ultimate objective of improving water quality. Mr. Keith outlined the Request for Proposal process for a Master Drainage Plan Consultant that was issued on November 4, 2022.

Vice Chair Ruppert noted that the Consultant Selection Committee will be meeting on January 31st to interview the respondent of the RFP. He expressed concern about receiving only one proposal to evaluate and asked what steps were being taken to understand why there weren't other proposals. Mr. Rozansky stated that our Purchasing Manager, Ms. Best, is reaching out to a number of firms who downloaded the solicitation, and she will be preparing a summary of the firms who did not submit a response.

L. OLD BUSINESS

There was no old business.

M. LEADERSHIP TEAM REPORT

1. Leadership Team Report

There were no comments or questions.

N. FINANCIAL SUMMARY

1. Financial Summary

Mr. Warriner presented the financial summary for the month of December, 2022. He stated that the year-to-date change in net position before capital contributions was unfavorable to budget by $532,949 due to lower fuel sales.

Mr. Warriner stated that staff is in the process of interviewing FEMA consultants to help us get our insurance claims resolved.

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

O. 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)

Ms. Menard reported there were no public comments.

Q. CORREPONDENCE/COMMISIONER COMMENTS & REQUESTS/MEETINGS

1. Commissioner Burns' Presentation

As a preamble to his presentation on how the FAA Part 150 Study looks at safety and efficiency, Commissioner Burns said his curiosity was piqued after he heard former NAA Commissioner Lenhard's comments to City Council during his September 6th interview for another term on the NAA Board. Mr. Lenhard stated that "the departures out of Runway 23, the southwest departures, turn and go down 5th Avenue straight to the ocean, the Gulf of Mexico, that is a safety issue. That is chosen because they want to get them out of populated areas as quickly as possible." Commissioner Burns said that Mr. Lenhard went on to say, "so their idea is to get planes over water as quickly as possible because they would rather have it crash in water (Gulf of Mexico)"

Commissioner Burns said that after he heard Mr. Lenhard's comments, he decided to drill down farther into the subject and reviewed the history of the last adopted Part 150 Study and see how the FAA looks at its No. 1 (safety) and No. 2 (efficiency) priorities.

He showed a red-lined mark-up of the Revised Noise Compatibility Program – 1996 from the City Clerk's records, comparing it to the Final 1997 Part 150, noting that the following sentences were deleted:

- "The tract down Naples Bay appears to minimize direct overflight of residential areas for the longest period of time and while the aircraft is closest to the ground."
- "Since the public has indicated that they would like to see a dispersion of the departing flights rather than a concentration of the aircraft over the same area, both the right turn and the Naples Bay flight tracks for Runway 22 could be incorporated into the revised NCP. The aircraft would be dispersed based on the destination of the flight; flights to the south and east could follow the Naples Bay departure while flights to the north and west could use the right turn departure."

He added that the following sentence appeared in the final NCP report to the FAA and was curious why the tract down Naples Bay was deleted.

- "The NAA has indicated that they would like to see the aircraft get over the Gulf of Mexico as soon as possible. Therefore, the right turn departure will be incorporated into the NCP."

Commissioner Burns presented several exhibits from the NAA Part 150 Noise Study Draft NCP of 1996, a redline copy from the Naples City Clerk's office. He noted the right turn shows the flight path over Aqualane Shores and right turn is shown to begin at Gulf of Mexico. On the common existing flight path (known as straight out and relabeled Runway 23), he asked why the runway designation changed from 220 degrees to 230 degrees.

Mr. Rozansky clarified that although there are flights that have departed down the Bay, to his knowledge there was never an adopted flight procedure going down the Bay.

Commissioner Burns showed Fig. 3-8 (Runway 22 Departure Right Turn) again with a hand-drawn red-dash line he noted on the contour denoting the current Runway 23 – 270-degree heading. He said this route is part of a Letter of Agreement dated 2017 between the Naples Tower and the RSW Tower, recommending a 270-degree heading for jets and straight out for other planes. Commissioner Burns questioned whether the people who live under this red-dash line had due process in 1997 when this departure flight path procedure was created and asked if these residents should now be considered "newly affected" under the current 2023 Part 150 Noise Study because metrics were not provided or evaluated in the 1997 Part 150 Noise Study. With the increasing number of jets departing Naples Airport since 1996, he said noise has become intolerable. Commissioner Burns concluded this part of his presentation which was to put the FAA Part 150 Study into historical context.

Commissioner Burns stated that the FAA's No. 1 priority is safety and its No. 2 priority is efficiency. He showed an exhibit outlining the FAA's safest land uses which would be directly over an airport, over water and in our area, over mangrove forests. He showed a description of land uses currently under a 270 degree heading from Runway 23 and specified residential and commercial land uses, schools, churches, parks and theaters affected by aircraft overflight and potential engine failure.

He showed an illustration of how close end of Runway 23 is to water with a distance of 1.61 miles (or 15 city blocks) from the end of Runway 23 to the Gulf of Mexico with a departure route down 3rd Avenue South. He presented another exhibit from Runway 23 to Naples Bay with a distance of 0.68 miles, almost one mile shorter than to the Gulf of Mexico. He presented three additional exhibits showing a 1,888 foot width of Naples Bay (or 4 city blocks), a 1.51 mile length of Naples Bay (equivalent to 17 city blocks) over just water, and a flight path down Naples Bay to Rookery Bay with a length of 7.09 miles over water and mangrove forest. He stated that if this were a flight path down the Bay, it would predominantly be over an inland waterway and mangrove forests with a better chance for an emergency landing.

Commissioner Burns summarized Chapter 13, Airport Noise and Access Restrictions of FAA Regulations 5190.6B Change 1, describing the Aircraft Noise Compatibility Program and Congress' enactment of the Aviation Safety and Noise Abatement Act in 1979. On page 13-6, he

highlighted one of the requirements under Part 150 – an airport operator "shall evaluate the several alternative noise control actions" and develop a noise compatibility program that "does not derogate safety or adversely affect the safe and efficient use of airspace." He provided the definition of the term, derogate.

In his final slide, he presented an efficiency comparison of Runway 23 heading 270 and 190 degrees for departures going south and east, showing that the 270 heading uses more fuel and takes more time. He said he concluded that the Down the Bay heading from Runway 23 was safer sooner over water and mangrove forest and more efficient by FAA standards.

Commissioner Cuddihy thanked Commissioner Burns for the effort in preparing his presentation and his passion. Regarding the marked-up revision of the draft NCP – 1996 he presented, she commented about documents, in general, that have several revisions made from the start to the final version and understanding why the revisions were made especially when they were done so long ago is difficult. Commissioner Burns clarified that he wasn't trying to find an answer about those revisions, and he didn't think it mattered either. He said he was trying to show the historical context.

Commissioner Cuddihy pointed out that the drawings Commissioner Burns presented looked like they were much further north than the contours she has seen from ESA of the 270 heading. She said she would have to defer to ESA's actual contours here.

Regarding the route shown going down the Bay, Commissioner Cuddihy pointed out safety has to be the No. 1 consideration. She said we already asked the FAA to tell us if it is safe. They are the arbiter of what's safe and what's not. As a pilot herself, she said she would rather be over a much larger body of water than a narrow body of water. She said if the FAA tells us it is safer to go that way, that would sway her opinion differently. She said she will take the FAA's word over anybody else's.

Commissioner Burns stated he can understand why we would want to ask the FAA that question, and he was hopeful they are watching the meeting today and see a copy of his presentation. There was discussion regarding the safety aspects of the Bay route. Mr. Rozansky stated that the challenge the FAA shared was that they could assign a heading of 180 degrees, but there is no way for them to specify where that turn takes place as a controller in a tower because there are so many factors – pilot performance, aircraft performance, etc. He said one of the key factors we are waiting for feedback from the FAA on is whether or not they see any fatal flaws in developing that type of standard instrument departure procedure (also called a SID).

Vice Chair Ruppert thanked Commissioner Burns for his presentation and his passion. He said he was trying to arrive at a conclusion and to Commissioner Burns' point of using the crosshairs of safety and efficiency in evaluating the down the Bay option. He said that based upon all the information received from the community, the various homeowners associations, and the City Council, his decision is not going to be agreeable with somebody. He said that for the number of flights that go south and to the east, departures down the Bay would be a reasonable strategy from

an efficiency standpoint and was pretty close to being good from that perspective. On the safety side of it, he said he was still struggling. After he read Commissioner Burns' presentation, he went on the City of Naples website to learn a little more about Naples Bay as a body of water and the residences around that body of water. On the website in the Natural Resources section, he said the website states that Naples Bay is an urbanized, relatively narrow, shallow estuary ranging in width from 100 to 1,500 feet, not 1,888 feet as presented by Commissioner Burns, and in depth from one foot to 23 feet. He said that going over water other than an airport is the safest thing to do but is not a black and white issue. He added that it is also a judgment issue and hasn't arrived at a conclusion on the safety aspect of it. Regarding the Bay being 1,500 feet wide, he said he had a great comfort level that people can control that navigation, but when he considers the Bay's narrow part of 100 feet and the shallow part of one foot, a 50,000 or 75,000 lb. piece of metal hitting it doesn't feel safe even though theoretically, there is water involved. Regarding a comment made by Commissioner Cuddihy on this topic of safety last month, he said the FAA is not going to allow us to do something that in their perspective is unsafe. He said he respected the fact that the FAA no matter what he decides will make a judgment on our decision about which procedures we want.

Commissioner Burns suggested Commissioners visit the dining room at the sailing and yacht club at the north end of Naples Bay. He said if you look south from their windows, it would give a visual perspective of what Naples Bay looks like in width and in length. He added that he considers Naples Bay being before you get to Hamilton Harbor. He said that before you get to Hamilton Harbor, you are over the mangrove forest. He said he was not predicting whether if an aircraft in trouble is going to make a safe landing on the inland waterway between Naples and Marco. He said some may be successful, but in his opinion, they would have a better chance than in six foot waves in the Gulf of Mexico. Commissioner Burns also commented that when we have heard from the HOAs, they talk about noise and have not said anything about safety.

Commissioner Cavanaugh made a similar comment regarding the concern Commissioner Cuddihy had about the natural progression of starting a draft document, making revisions, and coming up with a final document. Commissioner Burns stated that he presented it to put it in historical context. Commissioner Cavanaugh stated from a historical perspective, he would have appreciated the final document to be presented and was not sure he wanted to rely on a 20+ year document to make decisions in 2023. He expressed concern about the nomenclature, down the Bay, being a disservice to the public in terms of them thinking that aircraft are going to weave their way through a piece of water. He said we can discuss this all we want but the FAA is going to make a decision whether to be in open water or not and whether it is safe or not. Commissioner Cavanaugh also commented about ESA's feedback from the meeting with the FAA that aircraft may not be able to make an initial turn in the narrowness of the corridor because FAA procedures require pilots to be at a certain altitude before making the initial turn. Waypoints may not be possible that close to the airport and having a waypoint over a community is a concern because it would concentrate aircraft.

Lastly, regarding the Commissioner Burns' commentary given in terms of Chapter 13 that was from 2009, he asked if that is current information. Mr. Kirsch stated that it is the most current chapter. Mr. Rozansky stated he would share it with the Board.

Chair Dustin stated that most of our flights are making a harder right turn. Mr. Rozansky clarified that it was commonly thought the turn was down Fifth Avenue, but that has never been the design or application as there is dispersion between Fifth Ave and Broad. He added that just recently, someone asked if flights could be concentrated down Fifth Avenue.

Commissioner Burns said that we can decide on departure routes, whether the FAA accepts it or not. He said the FAA was concerned about the turn to 180 degrees from the 230-degree runway, which is a 50 degree turn. He said that if you go off Runway 23 at 230 degrees and turn right to 270 degrees, that is 40 degrees. In his report, he said turn 190 degrees, which is 40 degrees. If you can turn right 40 degrees, you ought to be able to turn left 40 degrees.

Mr. Rozansky stated that the difference is there is a wider area of dispersion vs. what you are referring to as a very narrow, almost singular point of what FAA would call "being on a rail." He said it was a big difference.

Commissioner Burns said he knew enough about this and he was not recommending to do that. He realizes that it is all gradual on takeoff and that we are using down the Bay as a generic term.

Commissioner Cavanaugh clarified for the public's benefit that it is not we (the Authority) who would say that, it would be the FAA Control Tower's direction to the pilot, and the pilot behavior dictates the flight pattern.

Chair Dustin appreciated the work and presentation.

Chair Dustin stated that he believed City Council was to discuss interviewing the Cooley law firm. Since Council Member Petrunoff and Mr. Kirsch were present in the audience, he asked if there was a possibility to have a Joint Workshop with Cooley and Mr. Kirsch. He said we need to work together. Council Member Petrunoff agreed.

R. ADJOURNMENT

With no further business, the meeting adjourned at 1:31 p.m.

Christopher A. Rozansky
Secretary

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

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, January 19, 2023
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 and TAC 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 15, 2022 Regular Meeting Minutes

2. January 6, 2023 Consultant Selection Committee Meeting Minutes

E. PRESENTATIONS AND TIME CERTAIN ITEMS

1. Employee of the Quarter

F. PUBLIC COMMENTS ON GENERAL TOPICS NOT ON THE CURRENT AGENDA (5 minute limit)

G. ELECTION OF OFFFICERS

1. Election of Chair

2. Election of Vice Chair

3. Committee Appointments

H. CONSENT AGENDA

1. Approval of Consultant Selection Committee Rankings and Authorize the Executive Director to Execute a Professional Services Agreement for On Call Appraisal Services

2. Board Ratification of $25,000 in Hurricane Ian Related Expenditures or Contracts Authorized by the Executive Director

3. Purchase an Aircraft Tug in an Amount Not to Exceed $154,762

4. Purchase and Install Audio Visual Equipment in the Airport Office Building Conference Room in an Amount Not to Exceed $186,192

5. Easement with Florida Power and Light for the Installation of the Electrical Service Line to 333 Falcon Lane

6. First Amendment to Sublease with CenturyLink of Florida, Inc.

I. NOISE

1. Noise Compatibility Committee Update
2. Noise Report
3. Summary of the Operational Briefing with the FAA
4. Part 150 Noise Study Update
5. Noise and Operations Monitoring Systems
6. Implications of Declining Further AIP Grant Funding
7. Legislative Priorities

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

1. Resolution 2023-1, Resolution of City of Naples Airport Authority Delegating Certain Administrative and Operational Powers and Duties to the Executive Director; and Repealing Resolution 2022-1

K. NEW BUSINESS

1. Master Drainage Plan

L. OLD BUSINESS

M. LEADERSHIP TEAM REPORT

1. Leadership Team Report

N. FINANCIAL REPORT

1. Financial Summary

O. COUNSEL'S REPORT

1. Counsel's Report

P. PUBLIC COMMENTS (5 minute limit)

Q. CORRESPONDENCE/COMMISSIONER COMMENTS & REQUESTS/MEETINGS

1. Commissioner Burns' Presentation

R. ADJOURN