

**MINUTES OF THE REGULAR MEETING OF THE
SANFORD AIRPORT AUTHORITY
TUESDAY, MARCH 3, 2009**

- PRESENT:** G. Geoffrey Longstaff, Chairman
Clyde H. Robertson, Jr., Vice Chairman
Tim Donihi, Secretary/Treasurer
Whitey Eckstein
William R. Miller
Brindley B. Pieters
John A. Williams
Brett R. Renton, Airport Counsel
Michael McLean, County Liaison
- ABSENT:** David L. Cattell
Colonel Charles H. Gibson
Comm. Jack T. Bridges, City Liaison
- STAFF PRESENT:** Larry A. Dale, President & CEO
Diane Crews, Vice President of Administration
Bryant W. Garrett, Vice President of Finance
George Speake, Vice President of Operations & Maintenance
Phyllis I. Gibson, Human Resources Manager
- OTHERS PRESENT:** Krysty Carr, S.E. Ramp Development
John H. Dannecker, Shutts & Bowen LLP
David Doudney
Larry Gouldthorpe, TBI
Kris Kramer
Geoff Lane, Starport
Gabriel Lopez, Abertis Airports
Bill McGrew, PBS&J
Stuart A. McIntire
James L. Meade, Mears Transportation
R. John Nadjafi, Shutts & Bowen LLP
Al Nygren, O.R. Colan Associates
Stan Poloski
Jack Reynolds, JRA, Inc.
Sandeep Singh, AVCON
Ernest Stallings
Bob Tunis, City of Sanford Economic Dev. Director

1. INTRODUCTION OF GUESTS AND CALL TO ORDER

The meeting was called to order at 8:35 a.m. Chairman Longstaff welcomed Gabriel Lopez, Director of Planning and Control with Abertis Airports.

2. ADVERTISEMENT OF MONTHLY MEETING

Copies attached.

3. APPROVAL OF MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 3, 2009

Motion by Board Member Robertson, seconded by Secretary/Treasurer Donihi, to approve the minutes from the regular meeting held on Tuesday, February 3, 2009. Motion passed.

4. LIAISON REPORTS [Out of order]

City of Sanford

None.

Seminole County

Commissioner McLean stated he was recently appointed by Governor Crist to the Intergovernmental Relations Committee for the State Legislature. The Committee has 15 members, four Senators, four House members, a member of the Governor's budget/ executive branch, the director of DCF, and the Lieutenant Governor. The goal of the Committee is to get the different branches of government to work together. There was an extensive report discussing un-funded mandates. Commissioner McLean will be meeting with the Committee again on March 9, 2009 to discuss the County's legislative priorities. He will also meet with the legislative delegation, and will be glad to carry any legislative priorities the Board might have to the House members and Senators.

President Dale asked Commissioner McLean if the Airline Safety and Wildlife Protection Act of Florida (House Bill 1065 and Senate Bill 1864) was included in the priorities. Commissioner McLean stated he would be glad to bring it to their attention. He stated the Committee would be having another meeting in April before session is over. President Dale stated this act is a major priority for the Florida Airports Council; it has also been endorsed by METROPLAN ORLANDO.

5. PRESIDENT'S REPORT

President Dale reported on the following:

- A. Aerial photographs - President Dale distributed the aerial photographs of the ongoing projects.
- B. Overlay of Runway 9L-27R – Main line of the Runway has been completed for the entire length of the job, and are now working on intersections. The project has reached Runway 18-36, and as a result it has caused some scheduling problems since both main commercial runways have been affected. The Authority has worked with TBI and Allegiant to coordinate scheduling of flights. Paving has been completed with the exception of the connectors at Lima, Alpha 3, Bravo 2, 3, and 4, Romeo, and a portion of Runway 18-36, to be paved by March 15, 2009. There has been no paving since February 26/27, 2009 due to cold weather. Even with weather delays, the project is still within the time frame. Still working on tortoise removal and relocation. Need to make some repairs, but overall the project is doing well. The project is expected to be completed by the first part or middle of April. However, the pavement has to cure for 30 days and final striping may run into May.
- C. Extension of Runway 9R-27L – Still trying to get ILS for Runway 9R. The Joint Acceptance Inspection (JAI), between FAA Facilities and FAA Construction, has not been done. President Dale has had to intervene, and now the FAA is moving toward having the JAI done.

The Authority is now in the process of entering into a Memorandum of Agreement with the FAA. The Authority owns and is liable for the warranty work of the Localizer (LOC), Glideslope (GS), Distance Measuring Equipment (DME), and Medium Intensity Approach Lighting System (MALSR) with Runway Alignment Indicator Lights (RAILS) until transferred to the FAA Facility Tech Operations. The Authority has to sign the Transfer Agreement, which gives the FAA title to all the personal and real property as listed in Appendix A (of the document). The Tower is considered real property by FAA standards. The FAA will also require a 20-year land lease, at no cost to the FAA, within 60 days of acceptance of the property by the FAA. Motion by Board Member Miller, seconded by Secretary/Treasurer Donihi, to accept Transfer Agreement between FAA and SAA transferring ownership to the FAA of Localizer (LOC), Glideslope (GS), Distance Measuring Equipment (DME), and Medium Intensity Approach Lighting System (MALSR) with Runway Alignment Indicator Lights (RAILS). Motion passed.

The Memorandum of Agreement states Daytona Beach FAA System Support Center (SCC) will provide maintenance of Runway 9R LOC, GS, DME, and

MALSR during the period the Authority owns it. SAA is required to reimburse the FAA under the existing Reimbursable Agreement. Motion by Secretary/Treasurer Donihi, seconded by Board Member Williams, to approve Memorandum of Agreement between FAA and SAA in regards to maintenance of Runway 9R LOC, GS, DME, and MALSR. Motion passed.

- D. Extension of Runway 9L-27R – Benefit Cost Analysis was approved. Draft Environmental Assessment has been submitted to the State Clearinghouse. Application for \$5 million grant for land acquisition was submitted February 10, 2009.
- E. Runway 18-36 Rehabilitation – Received task order from AVCON in the amount of \$367,572.00. Total project cost is \$4 million. Board Member Pieters questioned if the project had to be “shovel ready.” President Dale stated it had to be ready to start in 120 days. Bid advertisement is expected to be posted by the end of May. President Dale stated he had to clarify to METROPLAN ORLANDO (MPO) that the FAA does not have a 5-year work plan. Money for airports does not go through the FDOT 5-year work plan, it goes through the ADO and the FAA, and their plans change every year. As a result, MPO added the project to the Transportation Improvement Program (TIP). Entitlement funds are based on number of passengers that enplane at the Airport; discretionary funds are based on priority ranking.
- F. Economic Recovery Act - There was \$1.5 billion set aside in the stimulus bill. \$1 billion is designated for inline baggage screening. The Airport requested \$10 million for an inline system.
- G. Parking Lot C – It is a \$815,610.48 project. Site work started March 2, 2009. Project will last 150 days.
- H. Hudson Group – Domestic terminal buildout is completed. Permits have been issued for all three stores in the International terminal. Construction has started on the Discover and Indulgence stores.
- I. Alpha Retail buildout – New section has been completed. Renovation of older section to be completed soon.
- J. Security Fencing – To be done with entitlement funds. Project includes the expansion of the security fencing and gates, and camera improvements on the perimeter of the Airport to meet FAA and TSA requirements. The Board needs to authorize the Notice to Proceed as soon as the funds become available, at a total cost of \$623,816.00. Motion by Secretary/Treasurer Donihi, seconded by Board Member Pieters, to authorize Notice to Proceed in regards to the security fencing project. Motion passed.

K. Taxiways Romeo & Charlie – To be done with entitlement funds. This is force account work. The project includes lighting improvements on Taxiways Romeo and Charlie. The Board authorized the initial purchase of parts and supplies. The project will have a total cost of \$1,060,253.00. Motion by Secretary/Treasurer Donihi, seconded by Board Member Pieters, to authorize Notice to Proceed in regards to the lighting improvements on Taxiways Romeo and Charlie, as soon as the funds are available. Motion passed. The length of project is expected to be 90 days, no longer than 120. There will be no disruption to flight schedules.

L. Attorneys' Fees – Distribution and discussion of February's attorneys' fees.

M. SR 46 gap issues– Regarding the 30 ft gap from the King property, the Airport filed a quiet title suit on the City's behalf, and should be done by April or May.

In regards to the additional 15 ft gap, which never got deeded out by the Navy when they gave the Airport to the City of Sanford, Diane Crews has been working with the Government Services Administration Property Disposal Division to get the corrected deed. The Authority anticipates that in 4-5 weeks GSA Counsel will authorize and issue a quit claim deed.

N. Entitlement funds - As part of entitlements for this year, \$854,000.00 for the overrun for Runway 9R-27L was reimbursed to the Airport.

O. Wildlife

i. Airline Safety and Wildlife Protection Act of Florida - House Bill 1065 and Senate Bill 1864 have both been filed. President Dale anticipates both will pass in this legislative session. The Florida Airports Council and METROPLAN ORLANDO endorse the bill. Commissioner McLean reiterated he would bring it to the attention of the Intergovernmental Relations Committee.

Board Member Miller asked President Dale to brief the Board on the FAC Legislative Conference. President Dale stated the Airport delegation met with the legislators who chair several committees that might review the bill. The Natural Resource Committee, in which Senator Baker represents the Senate and Representative Plakon represents the House, oversees the Fish and Wildlife Commission. The delegation was very well received. Board Member Miller wanted Commissioner McLean to be aware the Airport delegation had gone to Tallahassee and know what was discussed. Chairman Longstaff believes the incident in New York helped facilitate the bill. President Dale stated Representative Plakon's wife had been involved in a birdstrike incident during take-off (on a flight last summer). Board Member Pieters questioned how the new technology

works. President Dale stated there is avian radar developed by the military, which is effective but very expensive. One of the benefits of having the FAA approve the Wildlife Management Plan is that it will make the Airport eligible for AIP funds to be used for personnel, equipment, weapons, and ammunition.

Commissioner McLean had to leave early. He will not attend the April meeting; he will be in Indiana.

- ii. Wildlife Management Plan - President Dale, George Speake, and USDA wildlife biologist, Henry Curry, will meet the day of the meeting and have a conference call with Jack McSwain, FAA Airports Director, in order to start working on the wildlife plan. President Dale expects the plan to be approved within 45-50 days.

Several states have shown interest in the bill and have contacted President Dale. The National Coordinator for the Airport Safety and Assistant Program, with USDA Wildlife Services, has contacted President Dale and would like for President Dale to work with him and take the lead (nationally) regarding birdstrikes.

- P. Tenant Concerns - President Dale briefed the Board on how the economy is affecting commercial and residential leases. Some tenants will not renew because they cannot afford to do so. It was the consensus of the Board to renew Stone Products' lease at a temporarily reduced rate for one year.

Board Member Eckstein stated he received a report from a resident that the fountain was turned off in order to save money. President Dale stated it costs \$20,000.00 a year to operate the fountains, \$10,000.00 each. Board Member Eckstein questioned if it is in the interest of the residents to have it turned off. President Dale stated he would do as the Board directs. Board Member Miller asked if it was off continuously. President Dale clarified the fountain is operated every once in a while to make sure it is working properly. The fountain is not a necessity. The lake is not stagnant, the smell the resident complains about is a result of the irrigation system. President Dale is mindful of the economy and is just trying to save some money on things that are not necessary. Board Member Miller suggested the Board should leave it to President Dale's discretion. He believes that if this was a serious issue, there would be multiple complaints and the Board would discuss it then. However, being that only one person has complained, it does not seem to be serious. Chairman Longstaff commended President Dale for his efforts to save \$20,000.00 with the status of the current economy. Board Member Eckstein stated he was only following up on the call he received.

- Q. Bldg. 310 Improvements – President Dale briefed the Board on building 310, a 40,260 square feet building originally built as a resident hall for the U.S. Navy.

Delta Connection Academy has been in discussions with Diane Crews to convert the building back to a residential hall for their students. The rooms will be rented at \$300.00 per student. The Authority would have to manage the building. Board Member Eckstein questioned if the housing could be extended to other students (foreign exchange students, SCC students, etc.). President Dale believes that most likely Delta Connection Academy would like assurance that it would be for their students. Board Member Eckstein recommended to leave that option (other students) open when negotiating with Delta Connection Academy. Board Member Miller questioned if SAA staff was going to administer (administration and finance aspect) the building. Chairman Longstaff clarified Delta Connection Academy will collect the rent, and they will pay the Authority. In regards to management/administration, President Dale suggested a room free of rent could be given to the resident supervisor. Janitorial services will be hired out. Secretary/Treasurer Donihi stated his concern about the rent, stating that the \$300.00 per student price is not enough. He also had an issue with there not being onsite management. He suggested rent be increased to \$350.00-\$400.00 and onsite management be provided. President Dale clarified he wanted the rates to be competitive. A police sub-station could be added for additional control. He also clarified that what he presented is a preliminary plan, and would take the Board's comments into consideration. Motion by Board Member Miller, seconded by Board Member Eckstein, authorizing proposed improvements on building 310 and for President Dale to reach an agreement with Delta Connection Academy. Motion passed. Board Member Eckstein recommended that President Dale take Secretary/Treasurer Donihi's suggestions into consideration.

- R. Termination of lease – Request by Michael Goodman to terminate Lease No. 2008-12 due to economic hardship. It is a two-year lease that expires on March 31, 2010. Tenant is requesting the lease be terminated effective March 31, 2009. Board Member Miller questioned when leases are terminated, if the modifications have to be brought to the Board or can administration handle it. Per Counsel, to change a written contract, the Board has to take action. Motion by Board member Eckstein, seconded by Board Member Miller, to terminate Lease No. 2008-12. Motion passed.

- S. Information Booth Agreement - The Information Booth Agreement between the Sanford Airport Authority; Orlando Sanford International Airport; Sanford Chamber of Commerce; Seminole County; and Metro Orlando EDC is up for renewal. Last year's budget was \$28,800.00, at a cost of \$7,200.00 per partner. This year's budget is \$20,000.00, at a cost of \$4,000.00 per partner. The Airport is now an approved community service site for Seminole County School Board and local high school students will volunteer to supplement the budget. Motion by Board member Robertson, seconded by Board Member Williams, to renew the Information Booth Agreement at a cost of \$4,000.00. Motion passed.

- T. Request for permit from AFLCIO - AFLCIO is seeking a permit to hand out literature to TSA employees at the Airport. There are approximately 118 TSA employees at the Airport. President Dale recommended giving them a permit with authorization to utilize Parking Lot E. Chairman Longstaff questioned if the Airport has a right to put restrictions (on signs/banners, etc). President Dale will work with Counsel on the permit. Counsel stated the Airport has a policy to not discriminate on the reason why a request is made. The only restrictions that can be placed are on time, place or manner. Counsel briefed the Board on Resolution 2004-06, the solicitation resolution passed by the Board in 2004.
- U. 2009 Triennial Drill – Approximately 32 agencies were part of the drill held on February 24, 2009. President Dale commended George Speake, Alex Kracun, Tommy Barnes, and Jason Nadeau for their job during the drill.
- V. Congratulations to Diane Crews – President Dale recognized Diane Crews for having passed the AAE Airport Operations Certification.
- W. February 26, 2009 Article – A comment by Bill Darosa, of Lake Mary, FL, was published in the Orlando Sentinel. Mr. Darosa discussed Mayor Crotty’s visit to Dubai and mentioned the Orlando Sanford International Airport “is closer to civilization and better-equipped to handle charter flights.”

6. COUNSEL’S REPORT

In regards to the quiet title action to resolve the 30 foot gap issue on SR 46, the City of Sanford gave permission to file. The Court has appointed Mike Cessatore to represent the heirs, and he is in the process of reviewing the quiet title action. The Court will issue a Notice to Action to Counsel. Once received, the action must be published four times in a 30-day period. Once published four times, Counsel will submit a motion for summary judgment. There are no known heirs at this time.

In regards to the Kondraki case, informal settlement negotiations are taking place. Counsel offered a fair settlement and has sent an offer judgment in that amount. If Kondraki does not accept the judgment offer before it expires (30 days after being issued) and at the trial is not awarded the amount offered, it would make him responsible for all expert costs on his side subsequent to the offer termination.

7. TBI REPORT

TBI President Larry Gouldthorpe reported on the following:

- A. Monthly Statistics for February 2009
 - i. International traffic total
February 2009 – **8,000** passengers

- ii. Domestic traffic total
February 2009 – **103,000** passengers
- iii. Percentage
International traffic is down 70% compared to February 2008, lowest since the Airport started international flights in 1997. Domestic traffic is up 4% compared to February 2008, all time record in February. Total traffic is down 9% compared to February 2008.

Parking performance has increased; it is at 11-12% over the estimate on the budget plan. It is apparent that local awareness is increasing.

March traffic will increase both in domestic and international flights. International traffic in April is expected to be better than the previous year, for a month and a half there will be an increase in traffic.

B. Miscellaneous Updates

- i. Hudson Group – Indulgence outlet sales have doubled. The performance of Indulgence and Euro Cafe is outstanding for the two weeks since the stores were opened. The Phase II stores will open on April 15, 2009. Mr. Gouldthorpe would like to do a grand opening in the middle of May for the Phase II stores.
- ii. ESG – Gabriel Lopez, with Abertis Airports, has been studying the program to see if it might be implemented at their other airports. The program continues to deliver savings. Mr. Gouldthorpe recommended this project be submitted to the FAC Environmental Award competition.
- iii. Marketing – Mr. Gouldthorpe and Greg Dull met with Direct Air representatives in Myrtle Beach, SC, and discussed the possibility of adding markets in May.

Greg Dull is at the Network Conference in Dallas, TX. The conference pairs up airports with airlines. Mr. Dull has scheduled nine meetings with various domestic and international airlines.
- iv. Thomas Cook – Still under negotiations. Mr. Gouldthorpe believes the negotiations will be done before the contract ends in April.
- v. Embry-Riddle – Mr. Gouldthorpe stated the director of the Embry-Riddle airport management program had contacted him. The program is currently teaching creative airport management practices and how airports are dealing with shortages of capital for expansion and development. They heard the prototype used at the Airport (a public and private partnership)

is working very well. Mr. Goudlthorpe was invited to talk to MBA classes about it, and in turn he invited President Dale to be part of the presentation.

8. CHAIRMAN'S REPORT

None

9. CONSENT AGENDA

- A. Consider approval of Addendum B to Lease No. 2005-09 with ALLEGIANT AIR, LLC for Building No. 502-2, located at 2927-2947 Carrier Avenue (Warehouse space).

Staff recommends approval of Addendum B to Lease No. 2005-09 with ALLEGIANT AIR, LLC for Building No. 502-2, located at 2927-2947 Carrier Avenue (Warehouse space). Addendum B adds 3,240 square feet to the existing leased space of 12,000 square feet, for a total of 15,240 square feet, at \$3.00 per square foot.*

*Note: The annual rental rate is due to increase to \$4.00 per square foot effective May 1, 2009.

- B. Consider approval of Lease No. 2009-05 with RICHARD HARDOON for Building No. 300-N, located at 3104 Rudder Circle (Residential).

Staff recommends approval of Lease No. 2009-05 with RICHARD HARDOON for Building No. 300-N, located at 3104 Rudder Circle (Residential). The lease shall have a one (1) year term, commencing on March 1, 2009. The annual rental rate is \$9,600.00; the monthly payment is \$800.00.

- C. Consider approval of Addendum D to Lease No. 98-08 with TBI (US), INC. for Building No. 502, located at 2951-2955, and Building No. 502-1, located at 2959-2983 Carrier Avenue (Cargo Building).

Staff recommends approval of Addendum D to Lease No. 98-08 with TBI (US), INC. for Building No. 502, located at 2951-2955, and Building No. 502-1, located at 2959-2983 Carrier Avenue (Cargo Building). Addendum D extends the lease term for five (5) additional years, effective March 1, 2009. The lease consists of 21,000 square feet of cargo building space, 6,000 square feet of cold storage facility (chiller), and 17,500 square feet of land, with annual and monthly rents calculated as follows:

Year 1 (March 1, 2009 – February 28, 2010)

Cargo Building Space	21,000 sf @ \$7.20 sf=	\$151,200.00
Cold Storage Facility	6,000 sf @ \$8.90 sf	= \$ 53,400.00
Land	17,500 sf @ \$0.19 sf=	\$ 3,325.00
	Annual	= \$207,925.00
	Monthly	= \$ 17,327.08

7% Sales Tax=	\$	<u>1,212.90</u>
Total Monthly	=	\$ 18,539.98

Year 2 (March 1, 2010 – February 28, 2011)

Cargo Building Space	21,000 sf @ \$7.50 sf=	\$157,500.00
Cold Storage Facility	6,000 sf @ \$9.30 sf	= \$ 55,800.00
Land	17,500 sf @ \$0.20 sf=	<u>\$ 3,500.00</u>
	Annual	= \$216,800.00
	Monthly	= \$ 18,066.67
7% Sales Tax=	\$	<u>1,264.67</u>
Total Monthly	=	\$ 19,331.34

Year 3 (March 1, 2011 – February 29, 2012)

Cargo Building Space	21,000 sf @ \$7.73 sf=	\$162,330.00
Cold Storage Facility	6,000 sf @ \$9.58 sf	= \$ 57,480.00
Land	17,500 sf @ \$0.21 sf=	<u>\$ 3,675.00</u>
	Annual	= \$223,485.00
	Monthly	= \$ 18,623.75
7% Sales Tax=	\$	<u>1,303.66</u>
Total Monthly	=	\$ 19,927.41

Year 4 (March 1, 2012 – February 28, 2013)

Cargo Building Space	21,000 sf @ \$7.96 sf=	\$167,160.00
Cold Storage Facility	6,000 sf @ \$9.87 sf	= \$ 59,220.00
Land	17,500 sf @ \$0.22 sf=	<u>\$ 3,850.00</u>
	Annual	= \$230,230.00
	Monthly	= \$ 19,185.83
7% Sales Tax=	\$	<u>1,343.01</u>
Total Monthly	=	\$ 20,528.84

Year 5 (March 1, 2013 – February 28, 2014)

Cargo Building Space	21,000 sf @ \$8.20 sf=	\$172,200.00
Cold Storage Facility	6,000 sf @ \$10.17 sf	= \$ 61,020.00
Land	17,500 sf @ \$0.23 sf=	<u>\$ 4,025.00</u>
	Annual	= \$237,245.00
	Monthly	= \$ 19,770.42
7% Sales Tax=	\$	<u>1,383.93</u>
Total Monthly	=	\$ 21,154.35

This represents an increase of \$8,875.00 in Year 1; \$8,875.00 in Year 2; \$6,685.00 in Year 3; \$6,745.00 in Year 4, \$7,015.00 in Year 5.

D. Consider approval of Addendum H to Lease No. 2000-14 with WHISPER JET, INC. for Building No. 410, located at 1220 30th Street (Warehouse/Office).

Staff recommends approval of Addendum H to Lease No. 2000-14 with WHISPER JET, INC. for Building No. 410, located at 1220 30th Street (Warehouse/Office). Addendum

H extends the lease for one (1) additional year, effective February 1, 2009. The building consists of 9,100 square feet, at \$4.79 per square foot. The annual rental rate is \$43,589.00; the monthly payment is \$3,632.42, exclusive of taxes.

- E. Consider approval of Addendum F to Lease No. 2003-07 with WHISPER JET, INC. for Building No. 401-A, located at 1173 29th Street (Warehouse/Office).

Staff recommends approval of Addendum F to Lease No. 2003-07 with WHISPER JET, INC. for Building No. 401-A, located at 1173 29th Street (Warehouse/Office). Addendum F extends the lease term for one (1) additional year, effective February 1, 2009. The building consists of 6,300 square feet, at \$4.79 per square foot. The annual rental rate is \$30,177.00; the monthly payment is \$2,514.75 exclusive of taxes.

- F. Consider approval of termination of Lease No. 2006-19 between the SANFORD AIRPORT AUTHORITY and SOUTHEAST BIODIESEL/FLORIDA, LLC, for 61,360 square feet (1.4 acres) of land located at the southwest corner of Carrier Avenue and E. 30th Street.

On September 5, 2006, the Sanford Airport Authority approved Lease No. 2006-19 with Southeast Biodiesel/Florida LLC for the rental of 1.4 acres of land on which to build a manufacturing facility for the production of biodiesel fuel, with a commencement date of February 1, 2007. The lease term was for 10 years, with expiration scheduled for January 31, 2017. Unfortunately, their project was delayed and despite the fact that the facility was not built, they started paying rent for the property on February 1, 2007, pursuant to the terms of the land lease, and have been diligent in making the monthly rental payments. Southeast Biodiesel is currently using the site for storage of manufacturing equipment; however, to date, the facility has not been built.

In October 2008, the Authority received a letter from Southeast Biodiesel advising that they were interested in a sub-lease on the property as they were looking to sell their company and did not have the financial strength to build the plant as originally planned. On February 10, 2009, the Authority received another letter from Southeast Biodiesel stating that the business is no longer in operation and they were not able to pay the February rent. We have proposed and the principals of Southeast Biodiesel are agreeable to a lease termination at this time, with the assets onsite conveyed to the Authority, and proceeds of a subsequent sale used in lieu of any outstanding rent.

Staff recommends approval of termination of Lease No. 2006-19 between the Sanford Airport Authority and Southeast Biodiesel/Florida, LLC, for 61,360 square feet [1.4 acres] of land located at the southwest corner of Carrier Avenue and E. 30th Street, effective immediately, in exchange for the assets stored onsite.

Motion by Board Member Williams, seconded by Board Member Robertson, to approve Consent Agenda Items A through F. Motion passed.

10. DISCUSSION AGENDA

None

11. COMMENTS FROM THE PUBLIC

None

12. OTHER BUSINESS

The 40th Annual FAC Conference will be at the Lowes Resort in South Miami. President Dale believes it would be beneficial for some of the Staff and Board to attend. He asked the Board to contact him if they plan on attending.

13. REMINDER OF NEXT BOARD MEETING (TUESDAY, APRIL 7, 2009)

14. ADJOURN FOR EXECUTIVE SESSION – JETT AIRE GROUP, INC. VS. SANFORD AIRPORT AUTHORITY

The regular meeting was adjourned at 9:40 a.m. for a break before the Jett Aire Group executive session.

15. EXECUTIVE SESSION – JETT AIRE GROUP, INC. VS. SANFORD AIRPORT AUTHORITY

The Jett Aire Group executive session started.

16. RECONVENE

The regular meeting reconvened after the Jett Aire Group executive session.

17. POTENTIAL ACTION ON JETT AIRE GROUP, INC. VS. SANFORD AIRPORT AUTHORITY

No action to be taken at this time.

18. ADJOURN FOR EXECUTIVE SESSION – SANFORD AIRPORT AUTHORITY VS. ACI CONSTRUCTION SERVICES, INC., AND CONTINENTAL CASUALTY COMPANY; THIRD-PARTY PLAINTIFF, ACI CONSTRUCTION SERVICES, INC. VS. THIRD-PARTY DEFENDANTS, DURA-STRESS, INC. AND

AMERICAN CONTRACTORS INDEMNITY COMPANY; THIRD-PARTY PLAINTIFF, SANFORD AIRPORT AUTHORITY VS. THIRD-PARTY DEFENDANT, HOYLE, TANNER & ASSOCIATES, INC.

The regular meeting was adjourned for the ACI Construction Services, Inc. executive session.

19. EXECUTIVE SESSION – SANFORD AIRPORT AUTHORITY VS. ACI CONSTRUCTION SERVICES, INC., AND CONTINENTAL CASUALTY COMPANY; THIRD-PARTY PLAINTIFF, ACI CONSTRUCTION SERVICES, INC. VS. THIRD-PARTY DEFENDANTS, DURA-STRESS, INC. AND AMERICAN CONTRACTORS INDEMNITY COMPANY; THIRD-PARTY PLAINTIFF, SANFORD AIRPORT AUTHORITY VS. THIRD-PARTY DEFENDANT, HOYLE, TANNER & ASSOCIATES, INC.

20. RECONVENE

The regular meeting reconvened after the ACI Construction Services, Inc. executive session at 12:17 p.m.

21. POTENTIAL ACTION ON SANFORD AIRPORT AUTHORITY VS. ACI CONSTRUCTION SERVICES, INC., AND CONTINENTAL CASUALTY COMPANY; THIRD-PARTY PLAINTIFF, ACI CONSTRUCTION SERVICES, INC. VS. THIRD-PARTY DEFENDANTS, DURA-STRESS, INC. AND AMERICAN CONTRACTORS INDEMNITY COMPANY; THIRD-PARTY PLAINTIFF, SANFORD AIRPORT AUTHORITY VS. THIRD-PARTY DEFENDANT, HOYLE, TANNER & ASSOCIATES, INC.

No action to be taken at this time.

22. OTHER BUSINESS

The Authority has an action pending against Hoyle, Tanner & Associates, Inc. (HTA) in regards to Parking Lot D. HTA was the consultant and design engineer for that project. When it was taken to St. Johns River Water Management District (SJRWMD) for approval, SJRWMD had some concerns with the design and requested additional information. Some of the demands by SJRWMD had to be met. The elevations of the grade were changed in the plans that were submitted and approved for permitting.

During construction, both President Dale and Frank Liberatore (Project Manager) brought it to HTA's attention that the grade did not appear to be correct. HTA brought their design engineer, Russ Holliday, who assured the Authority the grade was correct. It turns out the plans HTA proceeded with for bid and construction were the original plans they submitted to SJRWMD, which had to be re-designed, not the permitted plans. As a result, the entire limerock had to be taken out at a cost of \$60,000.00, of

which only \$15,000.00 was paid by HTA. The Authority billed HTA and HTA sent a letter refusing to pay the remainder. President Dale stated the Authority had an excellent chance to recover the \$45,000.00 difference, plus interest. President Dale recommended the Board file suit to recover the monies. Secretary/Treasurer Donihi questioned if attorney's fees would be recoverable as well. The task order does not have that provision, but cost and interest can be recovered. White Site Development and SJRWMD will testify on the Authority's behalf. Board Member Robertson suggested Counsel send a letter to HTA headquarters as a last attempt stating White Site Development and SJRWMD confirmed the plans were incorrect, giving them an amount owed plus interest. Counsel agreed a demand letter would be the first step. Board Member Miller suggested the letter include that failure to respond favorably to the letter will result in a lawsuit. Counsel stated if a deadline is included in the letter and HTA does not give the Authority a good faith offer, then the Authority should be prepared to file suit. Motion by Board Member Robertson, seconded by Board Member Miller, for Counsel to write a demand letter to HTA in regards to Parking Lot D, with deadline of payment. Motion passed. Board Member Miller believes the Authority should consider filing a complaint against HTA's professional license with the state. President Dale will be able to direct Counsel to file suit without going to the Board if the demands are not met. Once Counsel starts communications with HTA, they advised the Board not to discuss the matter with HTA. If somebody from HTA tries to contact the Board, Counsel must be notified.

23. OTHER BUSINESS

None

24. ADJOURNMENT

There being no further business, the regular meeting was adjourned at 12:28 p.m.

Respectfully submitted,

Larry A. Dale, President & CEO
/dmm



SANFORD AIRPORT AUTHORITY
1200 Red Cleveland Boulevard
Sanford, Florida 32773
(407) 585-4001 • Fax (407) 585-4045
www.orlandosanfordairport.com

February 13, 2009

Via email: legals@mysanfordherald.com

The Sanford Herald
P. O. Box 1657
Sanford, Florida 32772 1657

Attn: Patti, Legal Classified

Please publish the following Public Notice one (1) time in the **Wednesday edition (February 18, 2009) of the Seminole Herald Classifieds.** Please confirm receipt of this advertisement by email to dmuniz@osaa.net.

PUBLIC NOTICE

SANFORD AIRPORT AUTHORITY

Notice is hereby given that the Sanford Airport Authority will conduct its March meeting on Tuesday, March 3, 2009, at 8:30 a.m., at the Sanford Airport Authority Executive Offices Board Room, A.K. Shoemaker Domestic Terminal, 1200 Red Cleveland Boulevard, Sanford, Florida. Information may be obtained by contacting the executive offices during normal business hours at (407) 585-4002.

Notice is hereby given that the regular meeting will adjourn to conduct the following:

- 1) An Executive Session to discuss "Jett Aire Group, Inc. vs. Sanford Airport Authority." [Case No. 99-CA-2155-15]. Participants in the Executive Session will be SAA Board Members, SAA President/CEO, SAA Counsel – Shutts & Bowen LLP, Trial Counsel – James Byrne, Jr., and a court reporter. All others will be excluded during the Executive Session. Following adjournment of this Executive Session, the Sanford Airport Authority Board will reconvene for further business.
- 2) An Executive Session to discuss "Sanford Airport Authority vs. ACI Construction Services, Inc. and Continental Casualty Company; Third-Party Plaintiff, ACI Construction Services, Inc. vs. Third-Party Defendants, DURA-STRESS, INC. and American Contractors Indemnity Company; Third-Party Plaintiff, Sanford Airport Authority vs. Third-Party Defendant, Hoyle, Tanner & Associates, INC." [Case No. 6:07-CV-1842-ORL-31DAB]. Participants in the Executive Session will be SAA Board Members, SAA President/CEO, SAA Counsel – Shutts & Bowen LLP, and a court reporter. All others will be excluded during the Executive Session. Following adjournment of this Executive Session, the Sanford Airport Authority Board will reconvene for further business.

Please take notice that if any person decides to appeal any decision made by the Sanford Airport Authority with respect to any matter considered at the meeting or hearing scheduled herein, he or she will need a record of the proceedings, and that, for such purpose, he or she 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 based, per Section 286.0105, Florida Statutes. Persons with disabilities needing assistance to participate in any of these proceedings should contact the executive offices 48 hours in advance of the meeting at (407) 585-4002.

Larry A. Dale
President & CEO

Certified proof of publication and invoice should be sent to:

Attn: Diana M. Muñiz-Olson
Sanford Airport Authority
1200 Red Cleveland Boulevard
Sanford, FL 32773

Please do not hesitate to call me at (407) 585-4002 if you have any questions.

Sincerely,

Diana M. Muñiz-Olson
Executive Assistant

PUBLIC NOTICE

BOARD MEETING

The regular meeting of the Sanford Airport Authority will be held on Tuesday, March 3, 2009, at 8:30 a.m., at the Sanford Airport Authority Executive Offices Board Room, A.K. Shoemaker Domestic Terminal, 1200 Red Cleveland Boulevard, Sanford, Florida. Information may be obtained by contacting the executive offices during normal business hours at (407) 585-4002.

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- 2) An Executive Session to discuss "Sanford Airport Authority vs. ACI Construction Services, Inc. and Continental Casualty Company; Third-Party Plaintiff, ACI Construction Services, Inc. vs. Third-Party Defendants, DURA-STRESS, INC. and American Contractors Indemnity Company; Third-Party Plaintiff, Sanford Airport Authority vs. Third-Party Defendant, Hoyle, Tanner & Associates, Inc." [Case No. 6:07-CV-1842-ORL-31DAB]. Participants in the Executive Session will be SAA Board Members, SAA President/CEO, SAA Counsel – Shutts & Bowen LLP, and a court reporter. All others will be excluded during the Executive Session. Following adjournment of this Executive Session, the Sanford Airport Authority Board will reconvene for further business.

SANAC

The Sanford Airport Noise Abatement Committee (SANAC) meeting will be held on Tuesday, March 10, 2009, at 9:00 a.m., in the Sanford Airport Authority Executive Offices Board Room, A. K. Shoemaker Domestic Terminal, 1200 Red Cleveland Boulevard, Sanford, Florida. Scheduling and information is available by contacting the Vice President of Operations at (407) 585-4006.

USER GROUP

The Airport User Group meeting will be held on Tuesday, March 10, 2009, at 10:00 a.m., in the Sanford Airport Authority Executive Offices Board Room, A. K. Shoemaker Domestic Terminal, 1200 Red Cleveland Boulevard, Sanford, Florida. Scheduling and information is available by contacting the Vice President of Operations at (407) 585-4006.

DESIGN REVIEW COMMITTEE (DRC)

The Sanford Airport Design Review Committee (DRC) meeting scheduled for Wednesday, March 4, 2009, has been cancelled. Information may be obtained by calling (407) 585-4000.

Please take notice that if any person decides to appeal any decision made by the Sanford Airport Authority with respect to any matter considered at the meeting or hearing scheduled herein, he or she will need a record of the proceedings, and that, for such purpose, he or she 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 based, per Section 286.0105, Florida Statutes. Persons with disabilities needing assistance to participate in any of these proceedings should contact the executive offices 48 hours in advance of the meeting at (407) 585-4002.

Larry A. Dale

President & CEO