

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
EMERGENCY MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX**

MAY 3, 2012

7:00 PM

MINUTES

Commissioners: Pinki Jackel – Chairman, Bevin Putnal – Vice Chairman, Noah Lockley, Joseph Parrish

Commissioner Absent: Cheryl Sanders

Others Present: Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, Michael Morón – Deputy Clerk/Board Secretary

Call to Order (7:05 PM)

Chairman Jackel called the Meeting to order.

Chairman Jackel stated that the purpose of the Meeting is to discuss the current status of the Airport with the Airport Advisory Committee and the general public.

Attorney Shuler distributed the list of concerns on the lease negotiation from Fly High, the company that the Board selected to negotiate with on the FBO contract. The representation from Fly High wasn't able to attend the Meeting.

Attorney Shuler explained and gave a recommendation on each request on the list:

Fly High requests a Phase I and II Environmental Study on Fuel Farm; Attorney Shuler recommended that the Board not undertake this assessment.

Fly High asks that the County be responsible for insurance coverage on replacement costs and improvements; Attorney Shuler recommended that the Board agrees to this item, although it requires that he acquire liability and risk along with fire insurance.

Fly High requests clarification on how tie down and T-Hangar rentals will be computed and time allowance for remittance to the County; Attorney Shuler recommended that he pays the percentage based on what he bills and collects. He discussed timeline for remittance to the County.

Fly High requests definition of flight and ground crew. Attorney Shuler explained that this was something that Fly High should decide but gave an explanation as to what he would define as such.

Ted Mosteller, Airport Manager, commented on this item.

Fly High asks if the flowage fee would be applied to fuel handling fees being charged by the tenant for commercial airlines in the event that one or more commercial airlines begin service at the Airport in the future; Attorney Shuler recommended that it should be applied to any flow fee.

Fly High asks if the tenant is required to pay the tie down rent for the area described in section 1a, which is the space in front of the rental spaces; Attorney Shuler explained this item and recommended that he not pay any additional fees in this area.

Fly High requests that all taxes to be paid by the tenant be specifically named along with individual tax amounts paid for the past 3 years and also asked that real estate be expressly excluded if not to be paid by the tenant; Attorney Shuler explained that the tenant will pay rent and also applicable sales tax and any other tax at the Airport, excluding ad valorem taxes. Chuck Marks asked if there will be real estate taxes assessed to the tenant. Attorney Shuler stated that he wouldn't be required to pay ad valorem taxes and explained that there should not be a specific list of taxes the tenant should pay due to the fact that there might be new requirements in the future and if not listed in the contract the County might be responsible for paying.

The Board and Attorney Shuler discussed this matter further.

Fly High requests that Paragraph 4 be deleted in its entirety. Attorney Shuler gave the Board his recommendation and asked for their input.

The Board and Mr. Pierce commented on this item.

Fly High requests more clarification on the Fuel Farm repair costs to be paid by the County. Attorney Shuler explained his recommendation and gave examples of previous issues with this equipment.

The Board and Attorney Shuler discussed this item.

Mr. Mosteller discussed previous contracts.

Fly High requests that language be added to indicate that aircraft maintenance services may be provided by a third party provider upon approval by the County. Attorney Shuler stated that the County shouldn't get involved in this matter but should be informed if a third party is used in order to be sure the providers are providing a good service.

Fly High requests confirmation that the County will be responsible for all major repairs and improvements. Attorney Shuler stated that this is typically a landlord's responsibility unless caused by negligence by the tenant or those under direct supervision of the tenant. He stated

that the County should not be responsible for any electrical and plumbing issues under the amount of \$500.

Fly High also requests confirmation that the County will pay for all costs in putting the Airport back in a condition that is standard within the industry and comparable with other similarly situated Airport FBO's. Attorney Shuler doesn't recommend that the County agree to this and recommends that the tenant takes the Airport as is.

Commissioner Parrish and Mr. Mosteller discussed some of the issues being resolved at the Airport at this time.

The Board and Attorney Shuler discussed the Board's responsibility for making improvements to the Airport.

Commissioner Parrish expressed his concerns as to what the tenant might have found wrong at the Airport in order for him to ask to have the building be put back to a standard of other FBO's. Mr. Pierce spoke to the Fly High representative on the phone and stated that he was concerned with the inside of the Hangar not being acceptable due to the practices of the current FBO. The Board and Attorney Shuler stated that it would be cleaned before he takes over.

Fly High questioned some of the standards of Airport rules and regulations approved and adopted by the Board. Attorney Shuler explained a provision that was added into the lease.

Fly High requests that section 4.7 in the registration book requirement be deleted and asked that it be replaced with the simple statement that the tenant agrees to meet with the County at the County's request to review customer complaints. Attorney Shuler explained that he is referring to a customer service standard and said he doesn't have a problem with changing but should be tightened up with language stating there will be a plan of correction to any issues.

Fly High requests changes to section 12.3, which gives the tenant a 30 day cure for an issue raised by the County. Attorney Shuler explained that this was a reasonable request but wanted to highlight the County's right to terminate.

The floor was opened for public comment.

Mr. Marks discussed some of the expenses of the Fuel Farm and suggested a change regarding the cost for filter changes and require the tenant to be responsible for this matter.

Commissioner Parrish stated that there should be a check and balance system to verify that the tenant is changing the filters as required.

Attorney Shuler discussed the tenant's responsibility of maintenance records.

Commissioner Lockley was also in favor of some type of reporting system for maintenance for the tenant.

The Board, Attorney Shuler and Mr. Mosteller discussed the operation and maintenance of the Fuel Farm.

Attorney Shuler and the Airport committee discussed the length of time to start aircraft maintenance services and it was agreed that 30 days would be submitted for aircraft maintenance service.

Attorney Shuler stated that Fly High has made a request for 12 months free rent at the Airport. Chairman Jackel suggested that the Board agree to accept rent on a quarterly basis rather than a monthly basis.

Russell Crofton commented on the quarterly payment agreement.

Commissioner Lockley and Mr. Mosteller discussed quarterly payments possibly affecting the cash flow.

Motion by Lockley, seconded by Parrish, to deny tenant's request for 12 months free of the lease but to offer quarterly payments for the first year of the lease; Motion carried 4-0.

Chairman Jackel and Mr. Marks discussed the tenant's concerns with the decline of business at the Airport.

Attorney Shuler and Mr. Marks discussed the tenant's request to release him from any liability for any past environmental issues.

The Board and Attorney Shuler discussed a time limit for the tenant to decide if he will agree to the contract.

Commissioner Parrish asked that all communication regarding this or any other item regarding the Airport is forwarded to his iPad.

Chairman Jackel explained what transpired regarding communication with the tenant prior to this Meeting.

Mr. Pierce apologized for not forwarding emails to all Commissioners.

Commissioner Lockley asked to be sure that a time is set for the tenant to accept the lease as proposed.

Motion by Putnal, seconded by Parrish, to approve the lease amendments and authorize the Chairman's signature based on the discussions regarding the list of items submitted this evening with a Wednesday end of business day expiration date; Motion carried 4-0.

Commissioner Lockley and the Airport Advisory Committee agreed with current lease.

Anita Grove, of Apalachicola Bay Chamber of Commerce, asked if pilots can stop for fuel at the Blountstown Airport at this time and Mr. Mosteller stated that they can.

Adjourn (8:36 PM)

There being no further business, Chairman Jackel adjourned the Meeting.

Cheryl Sanders, Chairman – FCBOCC

Attest:

Marcia M. Johnson, Clerk of Courts