

**Boca Raton Airport Authority
Meeting Minutes
March 16, 2022
Boca Raton Airport Authority Administration Building**

Mr. Nau called the meeting to order at 5:00 p.m.

BOARD MEMBERS

James R. Nau	Chair
Robert Tucker	Vice-Chair - ABSENT
Randy Nobles	Secretary/Treasurer
Cheryl Budd	Board Member
Mitchell Fogel	Board Member
Gene Folden	Board Member – Attended Telephonically
Melvin Pollack	Board Member

COUNSEL

Janice Rustin, Esquire – Lewis Longman Walker

STAFF

Clara Bennett, Executive Director
Scott Kohut, Deputy Director
Travis Bryan, Operations Director
Christine Landers, Office Manager
Jada Stewart, Accounting Manager
Robert Abbott, Operations and Finance Coordinator
Robert Pratt, Operations Coordinator
Vanessa Chen, Community Engagement Specialist

Mr. Nau asked the Board to take a few minutes to recognize and celebrate Mr. Pollack's 80th birthday. Mr. Tucker presented a donation to Vets Helping Heroes in Mr. Pollack's name via video recording. The Boca Raton Airport Authority matched the donation.

Ms. Budd arrived at 5:07 p.m.

APPROVAL OF MINUTES

A MOTION to approve the minutes of the February 16, 2022 Regular Meeting was made by Mr. Nobles and seconded by Mr. Pollack. The Motion carried unanimously.

AGENDA CHANGES

There were no agenda changes.

PUBLIC REQUESTS

Mr. Jim Hopkins, Senior Vice President Airport Relations & Strategic Programs, Signature Flight Support introduced himself to the Board and provided information on Signature Flight Support's new ownership and their plans for the future.

CONSENT AGENDA

There were no items on the consent agenda.

FEDERAL, STATE AND MUNICIPAL INPUT

There was no Federal, State or Municipal Input.

FINANCIAL REPORT

Ms. Stewart presented the Financial Report for February 2022.

A MOTION to approve the Financial Report for February 2022 was made by Ms. Budd and seconded by Mr. Fogel. The Motion carried unanimously.

TENANT REPORTS AND REQUESTS

Ms. Bennett advised the Board that Premier Aviation of Boca Raton, LLC is in the process of obtaining permits for Phase III, but they have not completed the process and are requesting an extension of six months to obtain the permits.

Mr. Howard Dubosar, Attorney, Weiss Serota Helfman Cole Bierman, explained that the site plan had expired and the City required a new one, which is one reason for the delays.

Ms. Lauren Odom, Attorney, Dunay Miskel Backman, advised the Board that the City had required a new survey for the permit application and that there has been continuing communication between the City and Premier regarding the permits.

Mr. Nobles asked what had been done between September and December. Ms. Odom explained that the City asked for a new elevation survey during that time.

Mr. Fogel asked what their plan was if the Authority did not grant the six-month extension. Mr. Dubosar did not have a response. Mr. Fogel asked what they could offer the Board if the extension is granted. Mr. Dubosar advised the Board that Premier is ready to go once they receive approval.

Ms. Budd asked at what point will the Authority run into trouble with the FAA. Ms. Bennett reminded the Board that the FAA has approved the existing timeline and any change to that timeline would have to go back to FAA for approval. In previous correspondence

received from the FAA they have expressed frustration that the project has not been completed and there have been several extensions granted in the past. The main concern is having the building constructed and generating revenue for the Airport.

Mr. Pollack asked how long the review by FAA would take. Ms. Bennett advised the Board that any extension would be subject to FAA approval, and it could take a few days to a few months to get a response. If the FAA objected to the extension, they would expect the Authority to find Premier in default and if the Authority does not find them in default, then the Airport would be non-compliant with the FAA, which could impact current and future grants.

Ms. Budd asked if Airport Management has had any conversations with FAA regarding an additional extension. Ms. Bennett advised the Board that there have been no conversations with FAA regarding Premier's current extension request and that Airport Management is looking for guidance from the Board on how they would like to proceed in order to understand what would be requested of FAA.

A discussion ensued.

Ms. Budd asked what the ramifications are to Premier if we do not grant their request.

Ms. Bennett advised the Board that the deadline for Premier was March 7, 2022 and they are currently in breach.

Ms. Rustin explained to the Board that the lease provides Premier with 30 days to cure the default unless it is something they cannot cure within that time. There is room in the lease for them to continue to cure as long as they are diligently working towards a cure to completion.

Ms. Bennett advised the Board that Premier is only looking for a six-month extension for the permits, not the construction.

Mr. Pollack questioned the timeline and asked who is at fault for the delays.

Ms. Rustin suggested finding out from Premier what happened between September and December 2021.

Ms. Odom stated they will review the process and report back to the Authority.

Mr. Nobles expressed concern over what is considered diligent work for the cure.

Mr. Fogel stated the Board needs additional information to make a decision, and that there should be an end date to the cure. Mr. Fogel suggested if the Board grants the extension there be an amendment to the lease to include an end date for the cure process.

Mr. Folden asked if Premier had a timeline for the six-month extension. Ms. Odom provided the steps they need to take to receive the permits along with a timeline.

Mr. Nobles asked if there is any due diligence the Airport can do to track the process.

Ms. Bennett advised the Board that the Airport is tracking the permit process. Ms. Odom advised the Board that they could provide monthly updates on their progress.

Mr. Fogel suggested Premier provide monthly updates or updates within a few business days after an event in the process takes place.

Mr. Fogel suggested that within a week Premier provides Airport Management with information as to what was done between September and December. Based on the review of the material Airport Management can recommend approval of the request along with an amendment to the lease to address the cure period.

Mr. Nobles requested a timeline that will take the project to August 2023.

Mr. Nau recommended a motion to table the request and ask Premier to provide some additional information regarding the activity done between September and December. This would provide time for the Authority to review the information received and draft an amendment to the lease pertaining to the cure time frame.

Ms. Budd recommended getting a timeline of milestones from Premier to get to the end of the project.

A MOTION to table the request for one month, allow Premier a week to provide the requested material, direct Airport Management and Legal to review the material and provide a recommendation to the Board, including a Lease Amendment if necessary was made by Mr. Pollack and seconded by Mr. Fogel. The Motion carried unanimously.

Ms. Bennett presented the request from iStar Florida 2015 Cinemas LLC for a Ground Lease Estoppel and Agreement.

A MOTION to approve Resolution 03-03-22 of the Boca Raton Airport Authority authorizing a Ground Lease Estoppel and Agreement for iStar Florida 2015 Cinemas LLC was made by Mr. Fogel and seconded by Mr. Pollack. The Motion carried unanimously.

Mr. Bryan presented an update on the rescheduled Atlantic Aviation Special Event.

EXECUTIVE DIRECTOR AND STAFF REPORTS

Mr. Abbott presented the Noise Abatement/Operations Summary for the month of February 2022.

Ms. Bennett provided an update on the Airport Corporate Identity and Community Engagement Program.

AUTHORITY MEMBERS REQUESTS AND REPORTS

Mr. Folden asked about the curbing on the left side of Airport Road. Ms. Bennett advised that the lack of space, drainage and the property line was a factor in the curbing.

Ms. Budd stated she received an email from a resident regarding bike lanes on Airport Road. Ms. Bennett stated that she is aware of the email, and that she had replied to the resident explaining the Airport's limitations due to the boundaries on Airport Road. The portion of the road that belongs to the Airport is wide enough to accommodate a bike lane in the future if the City of Boca Raton updates its portion of the road.

Mr. Fogel asked for an update on the Observation Area project. Ms. Bennett stated the Airport is still awaiting guidance on the Master Plan, which affects this project, from the FAA.

PUBLIC INPUT

There was no public input.

OTHER BUSINESS

MISCELLANEOUS

The next regular meeting is scheduled for April 20, 2022 at 5:00 p.m. in the main conference room at the Boca Raton Airport Authority Administration Building.

ADJOURNMENT

Meeting adjourned at 6:42 p.m.

	<u>4/20/2022</u>
James R. Nau, Chair	Date