

**CHARLOTTE COUNTY AIRPORT AUTHORITY**

**MINUTES OF EMERGENCY MEETING - DECEMBER 16, 2015 - 9:00 A.M.**

**1. Call to Order**

Chair Andrews commented that the meeting was noticed in the Charlotte Sun on December 15, 2015.

**2. Invocation**

Commissioner Herston gave the invocation.

**3. Pledge of Allegiance**

**4. Roll Call**

**Present:** Chair Andrews; Commissioners Coppola, Hancik, Herston and Seay, Executive Director Quill, Attorney Garrard, Assistant Executive Director Parish, Mrs. Cauley, Mr. Laroche, Mr. Mallard. **Others present:** Jim Kaletta, Heath Strachan, Mark Futch, Bob and Charlene Mauti, Dan Dugas, Alan Boynton, Vic Poitrias, Ned Rose, Jeanette Worth-Dugan, Janet Trudeau, John Touchett, other people from the private sector and a member of the press.

**5. Approve Lease with GSA**

Mr. Quill explained that General Services Administration handles leasing for the Federal Government. He explained this will be for the lease of the TSA offices. He commented that the lease is set at a rate of \$45.00 per square foot which includes cleaning. **Commissioner Seay made the motion to approve the lease with GSA. Commissioner Herston seconded. Motion passed unanimously.**

**7. Change January Regular Meeting Date**

Mr. Quill explained that the January meeting tentatively set conflicts with the Florida Airports Council Legislative meeting in Tallahassee. He commented that staff is proposing moving it. There was discussion on various dates. **Commissioner Seay made a motion to change the Authority's regular meeting date from its regularly scheduled time and date to Thursday, January 28<sup>th</sup> at 9:00 a.m. Commissioner Herston seconded. Motion passed unanimously.**

**8. Discuss Procedures for Handling Damage to Airport Property**

Mr. Quill explained that on Sunday, November 8<sup>th</sup> around 11:28 the tenant in hangar 60517 called the FBO to let them know that there was wall damage to his hangar. Mr. Miller inspected the hangar and damage was evident. He commented that something had pushed the firewall from the other side. He explained upon entry to the opposing hangar the back

wall had been struck by some kind of vehicle and there were tire tracks. He explained that the lease states in section 5 E that it is the responsibility of the tenant to immediately report any damage, necessary repairs or maintenance to the T-hangar to the owner. He commented that was not done and as a result the Authority does not have a police report and do not have a copy of the insurance for the vehicle. He commented that on the 9<sup>th</sup> John Touchett was contacted who rents hangar 60508. He commented that Mr. Touchett came in with Mark Futch the next day and stated they were going to repair it, and they were told that it was a fire wall and not a quick drywall fix. He commented that Mr. Futch and Mr. Touchett said they wanted to pay for the repairs. He commented that in July 2014 the Board selected two contractors to do work under \$250,000. He commented that the Authority received a quote from Chris-Tel, and Mr. Futch received a quote from someone he knows at a substantially less price. He explained that Mr. Futch's contactor wanted to cut the firewall off and just do the lower section, and Chris-Tel was going to do the entire height. He commented that Mr. Futch did obtain another bid somewhat lower than the Authority's but it did not meet all of the criteria required. Chair Andrews commented that he looked at everything and asked Mr. Futch if he had reported it and Mr. Futch said he had and that he was not required to file a police report. He commented that he has a background in property management and he looked at lease. He commented that everything Mr. Quill talked about is in the lease and quoted section 5 and item 9 of the lease. He commented that F states that tenant will be liable for all damage to the hangar caused by the tenant. He commented that looking at the bid from Chris-Tel there were comments from others that there were charges that should have not been in there and there are no charges on some of the items mentioned to him, and some of the items are required by the building department. He commented that he had looked at the drywall quote by Lee Drywall, Inc. and they are very specific as to what they are going to do. He commented that in looking at Mr. Garrod's first quote there was not a lot of information as to what they were going to do and the updated bid came in close to the numbers that Chris-Tel submitted. He commented that the Authority did not just select an out of county contractor. He commented on the Minutes of July 29, 2014 when the design build RFP selection went out that there were Charlotte County contractors at the pre-bid meeting but only three bids were submitted and based on qualifications the Board voted unanimously on two. He commented that he looked at the design build agreement between Chris-Tel and the Authority and it is very specific on how things are to be done. Commissioner Hancik commented that there is a broader issue. He commented that the Authority has two contractors that are pre-qualified. He understands that Halfacre did not submit a bid. He commented that there is no judgement that the Authority has the lowest and best bid because there is no other bid to compare it with. He commented that for \$250,000 ability for staff and the Board to award contracts without a competitive bid is something he is opposed to. Chair Andrews commented that the Authority has a lease and it specifies what needs to be done. Commissioner Hancik commented that his concern is that the Authority did not go out for a competitive bid. Chair Andrews commented that it started with the accident that was not reported and how would Commissioner Hancik handle that. Commissioner Hancik replied that this is something that needs to be worked out with the staff and the hangar tenant. There was discussion on when the incident was reported. Chair Andrews commented that the person behind Mr. Touchett's hangar reported the damage to his hangar first. Commissioner Hancik did not know what the answer is to make everyone happy. Commissioner Herston commented that if there is fire

wall damage it is a big deal, and he and Mr. Parish can testify that there are more problems with fire walls during construction than any issue. He commented that this is more than hanging a sheet of drywall, there are other fire issues to the other units. He commented that the Authority has to do everything to the Florida Building Code and the Authority can't skirt around Charlotte County requirements. He opined that the Authority acted properly. He agreed that if the Authority has to lower the limit from the \$250,000 that may be a good idea. There was discussion on the \$250,000 limit. Chair Andrews commented that Garrod Drywall had no dumpster and other issues that have to be addressed. Commissioner Coppola commented that when someone comes on the airport they need to be badged or certain personnel with them while they are doing the repair and that costs money. Commissioner Seay commented that having a pre-approved contractors saves the Authority a lot of time and money and relieves staff of that very onerous responsible of finding new contractors and providers every time there is an incident. She commented that even if there was a change to the \$250,000 it would not have affected this incident and is irrelevant to what is being discussed now. She commented that having pre-approved contractors in place allows for staff to move quickly and get things done quickly is important. She commented that there was damage to more than one T-hangar. She commented that she has three areas of issues. She commented that there are three sets of rules, federal, state and local. She commented that the federal rules are FAA requirements for construction and the badging are mandatory for the airport and the Authority follows the standards for the leases. She commented that there are State Statues that the Authority follows. She commented that State Statues 316.061, 316.063, 316.064, 316.065 talk about if there is an accident involving property damage that has to be reported. She commented that there are people that don't report it but as a governmental entity the Authority must follow the rules. She commented that it is important to the Authority that they assure that the people who are here on the airfield follow the rules and sometimes people do make mistakes. She commented that you don't go telling the people that are trying to make it right that they are wrong. She commented that the Authority has local standards. She commented that the Authority's leases are mandated and she has heard from people on the airport that they know so and so had damaged and they fixed it themselves. She asked how would the Authority know that those repairs were done to the appropriate state, local and federal specifications unless they are following the lease and letting the Authority know what is going on. She commented on a worst case scenario being a vacant unit and the Authority did not hear about it and drywall was put up and nobody knew about it until there was a fire and then whose fault is it. She commented that it is important that the Authority knows about damage and the Authority follows the rules. She commented that the Authority has a good staff that do their jobs extremely well. She explained that in 2014 the Authority went out to bid for design build and there were three bidders, one of which was deemed not qualified, and the other two were deemed qualified and the Board approved them, not staff. She commented that all of a sudden the Board is saying staff is responsible for this and putting an onerous burden on them. She commented that if there is a problem with a contractor that was chosen not to go to staff and but come to the Board. She commented that staff did their job and have done it well with honesty and integrity. She commented that she is proud of the work staff does. She commented that the bid that came in from the Authority's approved contractor included very important details that are essential and necessary to the proper repair of airport property. Chair Andrews commented

that he would like to get the repairs done properly and there is more to this than drywall. Mr. Mark Futch commented that he has been operating Boca Grande Seaplane Base and has purchased avgas for many years. He commented that he has been renting a hangar at the airport since 1999 and he is a certified flight instructor. He commented that he knew the damage had been reported and apologized to the gentleman in the hangar behind them. He commented that his son is a veteran of the Orange County Sheriff's Office and he had called him to ask him if the accident needed to be reported and his son told him it did not because there was no bodily injury and it was on private property. He commented that he has two bids and Garrod Drywall has a representative here. He commented that they are a general contractor and this would not be a patch job. He commented that Garrod Drywall bid is \$2,300 and Mr. Garrod stated that there is no structural damage and does not need to go to the roof. Chair Andrews commented that the \$2,300 is a first estimate and a second estimate of \$6,700 versus the \$7,700 from Chris-Tel. Mr. Futch commented that it was an \$11,000. Chair Andrews commented that there were things not in Garrod's quote. Mr. Futch commented on the damage that Garrod's was going to take out. Commissioner Seay called for a Point of Order. She commented that this is not a public hearing and not to be a discussion but to allow statements made and then the Board can respond. She commented that this is not an argument. Chair Andrews commented that he has a copy of the bids and he had received a call that there was a generator on the bid. Mr. Futch commented that it also had a port-a-potty and there are bathrooms there. Chair Andrews commented that it is required and the cost for the generator was \$0. Mr. Futch questioned the project manager. Chair Andrews asked if he would sit with them during the construction. Mr. Futch said he would and he has a badge to bring them in and out. Chair Andrews asked Mr. Futch to state his case. Mr. Futch commented his case is the difference in the two quotes. Mr. Parish commented that they are comparing \$6,700 to \$7,700. He explained the rest is general conditions, supervision, dumpsters and port-a potty, everything that is required on the job. He commented that Garrod Drywall needs to say exactly what they are doing. He commented that it states that the debris will be placed in a dumpster supplied by others and it does not say there will be painting and fire chalking. He commented that it not comparing apples to apples. He commented that the Authority has asked Chris-Tel to reach out to Garrod Drywall and have them propose as a sub-contractor to Chris-Tel. Mr. Futch commented that there was no structural damage to the steel. Commissioner Seay asked if an engineer determined that there was no structural damage. Mr. Futch commented that Garrod Drywall is a licensed contractor and they said there was no structural damage. Commissioner Seay asked if they are engineers. Mr. Futch commented that he is sure they have an engineer on staff and they are a licensed general contractor. Commissioner Seay asked if the Authority should have an engineer inspect for structural damage. Chair Andrews commented that in looking at the pictures the wall has been moved almost a foot. Mr. Futch commented that there was nothing above that. Chair Andrews commented that this is a commercial building an engineer should decide if there is structural damage. Mr. Futch commented that Mr. Parish got a quote without an engineer. Mr. Parish commented that is because he asked for quote for total replacement of the wall. Mr. Futch commented that Garrod is going to bring it to the fire codes as he has spoken with Mr. Garrod on it. Mr. Parish commented that he has not spoken to Garrod Drywall. Mr. Futch commented that maybe Mr. Parish should go and see Mr. Garrod. There was discussion between Chair Andrews and Mr. Futch on getting an engineer. Commissioner Seay commented that from

what she understands it was Mr. Futch's truck that did the damage and was the insurance company notified and will his insurance company pay. Mr. Futch commented that he was under no obligation to tell his insurance company according to his son. Commissioner Seay asked how much damage. Mr. Futch commented it was \$800 in damage to his truck and it was a new bumper. There was discussion between Commissioner Seay and Mr. Futch on the dollar amount of damage that was done to the hangar. Commissioner Seay commented that normally if an incident occurs the insurance company will deal with it. She commented that the person involved, who the Board has never met, has chosen to not to abide by the lease and there has never been any information related to insurance about an incident such as this. Mr. Futch commented that it was not worth it. Commissioner Seay commented that there has not been any follow up regarding insurance and the statutory requirement 316.061 crashes involving damage to vehicle or property. She quoted parts of the Statute 316.061, 316.063 and 316.064. Mr. Futch commented that he was under no legal or moral obligation to report it to the police or to his insurance company which he chose to do so because he is the owner of the vehicle. Commissioner Seay asked to add to the record copies of the State Statutes, section 5 e and f and for the record report that this discussion taking place is not involving the person who did the damage. She commented that it is disturbing that there is someone who is discussing this who is neither authorized with a Power of Attorney or recognized by any statement from the gentlemen who did this. Mr. Futch commented that Mr. Touchett is here today. Commissioner Hancik commented that this meeting is all over the place and needs to come to a conclusion. He commented that he would like to ask the hangar lessee what he would see as a solution. He commented that he is just trying to find a balance. Commissioner Seay commented that the Authority has in place a system and process that is followed and opined that it should be left in the hands of staff as it is suppose to be. She commented to allow them to go through the pre-approved authorized contractors. Commissioner Hancik agreed to put it back in the hands of staff and get it worked out with the tenants. He commented that no contracts have been awarded to either party on this. Commissioner Seay commented that the longer the Authority waits on this the longer it is before a firewall is put up inside the T-hangar. Commissioner Herston asked if it was a load bearing wall. Mr. Parish replied that it is not. He explained it is a separation wall for fire and there are now eight units that are no longer protected by a firewall. He commented that the Authority may need to remove the aircraft from those units until a firewall is installed. He commented that is one of the reasons why the Authority called Chris-Tel immediately for a quote. He commented that the Authority has compare apples to apples. He commented if the contractor tears the wall out and after two sheets of drywall the studs are straight they can repair it and the Authority will do a change order in the field. He wants to assure the Board that it will be repaired per code and there could be a field change order to lower the price. He commented that there is a \$1,000.00 difference and the Authority's contractor has general conditions in it, and if the Authority uses a sub-contractor it excludes the general conditions. Commissioner Seay commented that there is no motion on the floor for the Board to do anything and this has been an open discussion. She commented that it seems that all members agree that the process in place is fine and to allow staff to do the job they were hired to do. Commissioner Coppola opined that the wall should be uniform and fixed to meet the standards of all of the other tenants. Mr. Futch commented that Garrod's is a licensed general contractor and it will be repaired better than it was. Chair Andrews commented that the other bid everything was laid out of what was going to be

done. Mr. Futch commented that he was sure Mr. Garrod could do that. Commissioner Seay commented that she has Garrod's Drywall paperwork and went over the things that are excluded. Mr. Futch commented that he is sure it is a form letter that they work from. Commissioner Seay commented that it is a signed written bid and it states it does not include disposal. She opined that this should not cost the Authority anything. She commented that the Authority did not damage the facility and the person who did is responsible. She commented that the Board is talking to a spokesperson and not the person who did the damage. She commented that Mr. Futch owned the vehicle that did the damage and did not report it to his insurance company, and she questioned if the insurance company would have approved the repairs by a friend. Commissioner Hancik opined that the Board should not be here negotiating and that should be done by staff. Chair Andrews commented that the bids are not apples to apples and agrees with Commissioner Hancik. Chair Andrews commented that he cannot make a motion. Commissioner Seay commented that there does not need to be a motion because there are policies in place and staff needs to continue with the policy that is in place. She commented that it is agreed that the policy is appropriate and proper. Mr. Futch commented that the problem needs to be resolved. It was agreed to let staff handle it. Commissioner Coppola asked if the hangar is usable. Chair Andrews commented that it is much more than a fire wall. Commissioner Hancik commented to get a price together and if Mr. Futch is still not satisfied to come back to the Board. Commissioner Seay disagreed. She commented that to bring staff decisions to the Board on a regular basis is inappropriate. She commented that the Authority hired qualified people who need to be operating the airport and are doing a fine job. She commented that if there is to be a policy change that needs to come to the Board. She commented that the first level is to go to staff and to assure staff is doing its job correctly. She commented that if the Chair determines that staff is not doing their job properly and incorrectly the Chair has the ability to call a meeting. She commented that the Chair creates the Agenda. She commented when it comes to policy and procedures it comes through the Executive Director or Chair. She commented that everything does not need to come to the Board. Commissioner Hancik commented that no one is saying staff is not doing their job. Commissioner Seay commented that creating a policy based on one person's problem does not create a good policy. Mr. Futch commented that it is a no bid contract. Commissioner Seay commented that Mr. Futch stated this is a no bid contract and when that happens the Authority has a policy to go to the approved qualified contractors.

## 9. Citizen's Input

## 10. Adjournment - Meeting adjourned at 9:56 a.m.

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Paul Andrews, Chair

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Kathleen Coppola, Secretary/Treasurer