

Meeting Date
08-19-08



AGENDA	
Section	New Business
Item No.	VIII D 1

**AGENDA REPORT**  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT: Board Discussion; RE: Status of the Valkaria Airport Advisory Board (VAAB)

DEPT/OFFICE: County Manager's Office

**Requested Action:**

It is requested that the Board discuss the status and function of the VAAB and provide direction.

**Summary Explanation & Background:**

The Board of County Commissioners, in regular session on August 5, 2008, reached consensus to direct staff to schedule a discussion of the VAAB during the August 19, 2008 meeting. Per Board direction, the VAAB members have been formally invited to this meeting and their attendance has been advertised in the *Florida Today*.

Attached for Board reference is:

- 1) Excerpt from the Brevard County Code of Ordinances Article II, Valkaria Airport, Division 2, Airport Board, Section 18-61, Creation.
- 2) Resolution No: 2007 – 244 (establishing the Valkaria Airport Advisory Board)
- 3) The memorandum from the Clerk to the Board which summarizes Board direction to staff on August 5<sup>th</sup> (including verbatim minutes).

The Board has the ability to modify the composition, organization and/or authority of the VAAB, or repeal it by amending Sec. 18-61.

Staff Contact: Mel Scott, AICP, Assistant County Manager (633-2002) or Steve Borowski, Airport Manager (952-4590)

Fiscal Impact – None.

Exhibits Attached: Sec. 18-61, Code of Ordinances, Resolution 2007-244, Clerk to the Board memo, verbatim minutes from 8-5-08 BCC meeting.

<b>Contract /Agreement (If attached):</b> Reviewed by County Attorney		Yes	No	<input type="checkbox"/>
County Manager's Office	Department			
Peggy Busacca, County Manager	Mel W. Scott, AICP Assistant County Manager	~f.		

**CODE OF ORDINANCES  
County of  
BREVARD, FLORIDA**

**Codified through  
Ordinance No. 08-13, enacted April 22, 2008.  
Included in the Charter is:  
Amendment of November 5, 2002.  
(Supplement No. 60)**

**ARTICLE II. VALKARIA AIRPORT\***

**DIVISION 2. ADVISORY BOARD\***

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Sec. 18-61. Creation.

The board will establish an airport advisory board which establishment, composition, organization and duties shall be prescribed by resolution.

(Ord. No. 98-33, § 1, 5-26-98)

**RESOLUTION NO: 2007- 244**

WHEREAS, the Valkaria Airport came under the control of Brevard County through a quitclaim deed from the War Assets Administration in 1958; and

WHEREAS, the Brevard County Board of County Commissioners desires to operate the Valkaria Airport as a recreational airport, used primarily by small, privately owned manufactured and home-built/experimental General Aviation aircraft; and

WHEREAS, Section 18-61, Code of Ordinances of Brevard County, Florida states that the Brevard County Board of County Commissioners will establish an airport advisory board by resolution; and

WHEREAS, Chapter 2 of the Code of Ordinance of Brevard County, Florida establishes policies for uniform advisory board appointments and the Brevard County Board of County Commissioners desires to establish a Valkaria Airport Advisory Board consistent with those provisions of the Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED by the Brevard County Board of County Commissioners that the Valkaria Airport Advisory Board shall be established as follows.

**Composition.**

The Valkaria Airport Advisory Board shall consist of seven (7) members who are residents of the County. The members shall be appointed as follows: each Commissioner shall appoint one (1) member; one (1) member shall be a resident of Malabar and be chosen by the Malabar Town Council, and one (1) member shall be a resident of Grant-Valkaria and be chosen by the Town Council of Grant-Valkaria.

**Term of Office.**

(a) Members of the Valkaria Airport Advisory Board shall be appointed for a term of one (1) year. The term of those members initially appointed shall terminate as of December 31, 1999. Thereafter, the term of appointments shall commence on January 1; provided, however, that each member shall serve until he is reappointed, or until a successor is appointed.

(b) A member may be reappointed from term to term.

(c) Appointments to fill any vacancy on the airport advisory board shall be made in the same method in which the member being replaced was appointed and shall be for the remainder of the unexpired term of office.

**Removal of Members.**

(a) Three (3) unexcused absences and two (2) excused absences by any member of the Valkaria Airport Advisory Board within a one (1) year period shall be deemed a resignation from the advisory board, and the member's position shall be considered vacant. The vacancy shall be

made in the same method in which the member being replaced was appointed and shall be for the remainder of the unexpired term of office.

(b) Members of the airport advisory board shall serve at the pleasure of the appointing Commissioner or Town Council and may be removed by that appointing Commissioner or Town Council.

**Compensation.**

All members of the Valkaria Airport Advisory Board shall serve without compensation but shall be reimbursed for such travel, mileage and per diem expenses as may be authorized by resolution of the Board of County Commissioners from time to time or from the appointing Town Council as it applies to that appointee, or as otherwise provided by law.

**Organization.**

(a) At the first meeting of the Valkaria Airport Advisory Board, and at the first meeting held in January of each year thereafter, the members of the airport advisory board shall elect by majority vote of its members a chairman and a vice-chairman.

(b) The chairman and vice-chairman shall serve a term of one year.

(c) The chairman shall serve as the presiding officer at all meetings of the airport advisory board, with full rights to vote on any issue. The vice-chairman shall serve as presiding officer in the absence of the chairman.

(d) The airport advisory board shall have the authority to adopt its own policies and rules of procedure, and amendments thereto; provided, however, that the policies and rules of procedure shall be effective only upon approval by the Board of County Commissioners. Upon such approval by the Board of County Commissioners a copy of the policies and rules of procedure, and any amendments thereto, of the airport advisory board shall be filed with the Clerk of the Board of County Commissioners.

(e) The presence of five (5) members shall constitute a quorum of the airport advisory board, enabling the board to take action. A majority of such quorum shall be sufficient for formal action by the airport advisory board.

(f) Minutes shall be maintained of all meetings held by the airport advisory board, and all meetings shall be open to the public and recorded on tape.

(g) The airport advisory board shall meet quarterly to conduct the business of the board. Special meetings of the airport advisory board may be called by the chairman, upon giving notice thereof to each other member of the board, or the airport manager. The notice of a special meeting shall be given at least 24 hours prior to the special meeting.

(h) All meetings, discussions and deliberations of the airport advisory board shall be open to the public, and notice of the public meetings shall be provided according to law.

(i) The airport advisory board, shall be authorized to utilize the services of the Airport Manager and other County staff, as well as the offices of the County Attorney, as may be necessary to conduct its duties under the requirements of this article.

**Authority, duties.**

(a) The airport advisory board shall have the authority and duty to:

- (1) Provide recommendations to the County Manager or designee, and Board of County Commissioners on the Valkaria Airport annual budget; provided, however, that the budget approval and funding shall rest solely in the discretion of the Board of County Commissioners.
- (2) Provide recommendations to the County Manager or designee, and Board of County Commissioners on amendments to, or adoption of, an airport layout plan or airport master plan;
- (3) Provide recommendations to the County Manager or designee, and Board of County Commissioners on development of appropriate lease restrictions and covenants for property located within the airport.
- (4) Provide recommendations to the County Manager or designee, and Board of County Commissioners on development and amendment of rules and regulations relating to activities on the airport.
- (5) Review and provide recommendations to the County Manager or designee, and Board of County Commissioners on any issue or subject referred to the Valkaria Airport Advisory Board by the County Commission which matter may be related to the Valkaria Airport.

(b) All actions by the airport advisory board shall be specifically subject to applicable deed restrictions and FAA rules and regulations.

**Use of net proceeds.**

(a) Any and all net proceeds received from the lease of real property owned by the county located within Valkaria Airport shall be used to continue the development, improvement, and operation of the airport, in compliance with applicable FAA rules, regulations and laws concerning surplus property at airports.

(b) Such above-described development, improvement, and operation of the airport shall be as depicted in the airport layout plan of the airport and may include advertising and promotion; road, sewer or water, and drainage facilities; runways, taxiway, fuel farm; and payments for consultant services incurred that may be deemed necessary for the furtherance of the development of the airport property.

(c) The net proceeds may be used for the retirement of any debt incurred in conjunction with the development of the county owned property located within the airport. Further, the net proceeds may be used for the construction, expansion or operation of any buildings, structures or

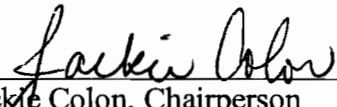
aviation facilities owned by the county located within the Valkaria Airport property, subject to county fiscal and procurement regulations and approval by the Board of County Commissioners.

DONE, ORDERED AND ADOPTED in Regular Session this 25<sup>th</sup> day of September, 2007.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
Scott Ellis, Clerk

  
\_\_\_\_\_  
Jackie Colon, Chairperson  
(As approved by the Board on September 25, 2007)

STATE OF FLORIDA  
COUNTY OF BREVARD

This is to certify that the foregoing is a true and current copy of Resolution  
No. 07-244 witness my hand  
and official seal this 5 day of  
October 20 07  
SCOTT ELLIS  
Clerk Circuit Court  
BY Scott D.C.

**BREVARD** *County*  
BOARD OF COUNTY COMMISSIONERS**FLORIDA'S SPACE COAST**

TAMARA J. RICARD, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972

August 11, 2008

## M E M O R A N D U M

TO: Mel Scott, Assistant County Manager

RE: Item V, Valkaria Airport Advisory Board

The Board of County Commissioners, in regular session on August 5, 2008, reached consensus to direct staff to add discussion regarding the problems of the Valkaria Airport Advisory Board to the August 19, 2008 Board Agenda; request that the entire Valkaria Airport Advisory Board be present at that meeting; and postpone the September 2, 2008 Valkaria Airport Advisory Board meeting until the Board of County Commissioners takes action on those issues. Enclosed is a copy of the verbatim.

Your continued cooperation is always appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

A handwritten signature in cursive script, reading "Tamara Ricard".

Tamara Ricard, Deputy Clerk

/te

Encl. (1)

cc: Valkaria Airport Supervisor

Scarborough: And that's the end of our cards on this item. Commissioners? Helen.

Voltz: Yes, I have been asking this to happen for a long time. They do, just as the people have mentioned today, they do attack our County employees and I think it's wrong for us to allow that to continue to happen. I wouldn't blame them if they never gone down there again. And I remember, first of all, Mel, I have a question for you. They talked about three items on the Agenda. Who put those items on the Agenda? At, per whose request?

Scott: They're items that the Board of County Commissioners is going to be in the future reviewing, so we scheduled them for the VAAB for their input.

Voltz: Okay, were they scheduled ahead of time or were they put on . . .

Scott: They were scheduled ahead of time with the materials provided well in advance of the meeting.

Voltz: Well in advance of the meeting. Okay, so all those things were given to the board well in advance of the meeting so there was no reason to spend hours up on hours nitpicking everything. They could have met with you, correct if any of the board members had questions?

Scott: Staff is always available to any advisory board member that has questions.

Voltz: Okay, and I also remember that a number of years ago we talked about what it is that they are allowed to do. What is their responsibility? And they have very limited responsibility. They are only allowed to bring up exactly what we tell them to bring up and that really is all of the responsibility. And when we did the Master Plan I suggested that we do away with the board. And at that time it didn't pass. I think now is the time. Both of my staff members were there at the meeting last Tuesday night and they were there until the end, and they said it was just unbelievable how the attacks to continue to go over and over and over again for our staff. And I will not allow that to happen. And if they have to have a meeting without our staff there then that's what is going to have to happen or we just do away with the board; and I think that really is what needs to happen. We have a Master Plan. We have staff that is available and knowledgeable to manage the Airport; and if the County, Grant-Valkaria, and Malabar want to get together and form a board to do something I think that they can do that. But did you find out about the board and whether or not we have to do an ordinance change, resolution, what do we have to do?

Scott: Yes, ma'am. If it's the Board's desire, then we would move forward and prepare an ordinance, which would amend Section 18-61 of the Code of Ordinances of this County to abolish the VAAB if that's the Board's desire.

Voltz: I'm going to make that as a motion. We have got to stop this stuff from happening. And so, I don't know where it's going to go but I'll go ahead

and make a motion that we just do away with the Valkaria Airport Advisory Board.

Scarborough: Mary then Jackie.

Bolin: I had a question for Scott Knox. Is there a large difference between doing a complete abolishing it or is it possible to do a suspension of it for a period of time?

Knox: You can, well right now the Ordinance requires you to have the board, so to suspend it you would need to change the Ordinance as well.

Scarborough: Jackie.

Colon: Commissioners, I'm definitely concerned with what I've heard here, but things have to be done right and there's certain protocol. When we had the issues in Titusville and in Cocoa we definitely wanted to hear from the advisory board and I think we owe them that respect. I think it's premature to take action today. We've fully been notified by the folks that there's something obviously that the Board needs to look at. But I think we need to do it right. The board members need to be invited. It needs to be put on the Agenda, and at that point we're able to hear from all sides; and it's of great concern of what I heard. I did receive those phone calls right away the next day from folks who attended that meeting, but this needs to be done right. I don't think that any, it's not just for this particular board but we have gee whiz at least 40 boards that serve under the Board of County Commissioners; and that respect must be given to all of them. You just don't get rid of a board at a Commission meeting without notification, without it being on the Agenda, so I have no problem putting it at the next Commission meeting and making sure we hear from all parties, Mr. Chairman.

Scarborough: Okay, I have Helen's light, then Chuck's.

Voltz: Yes, I think basically my request was to advertise a change in the Ordinance so that we can decide at that time. I know that we can't do anything today, but certainly we need to look at it at the next meeting. And Scott would that be, I mean how would we have to do that?

Knox: Well, if you authorize a change to the Ordinance you could authorize advertisement today also. That can be brought back on the 19<sup>th</sup>.

Voltz: But that doesn't necessarily mean that we have to change it. It just means that we're looking at it?

Knox: No, it would be a public hearing, and everybody would have an opportunity to speak about it.

Voltz: Right, okay. So that, I guess then that would be my motion to go ahead forward for that side.

Scarborough: I don't have a problem doing a legislative intent. I don't know that I want to do an advertising and move that far into the process; but certainly we need to talk about it. I don't condone what they did. You know, that's not appropriate to attack County staff, and I have concerns with that. I think it was overly optimistic to put the three biggest issues they'll deal with out of the Master Plan on the same Agenda and expect to get through it though. The Airport is always going to be contentious guys. The question is do you want to do it here in front of this Board or do you want to try to have an advisory board to do that. I'd rather have a discussion here as part of a legislative intent than to go ahead and do the advertising. But I agree they need to be civil. Of course, you guys have never been to the Titusville Pier Committee either. I'd wish we'd have had the no staff reviews in place at that time. I had all those 40 committees, but . . .

Colon: I don't think that we should support any motion that's making us take any steps. We're going to be sending the wrong message. Our citizens came our today with great concern. The Board needs to look at this, the Board needs to take action, and it needs to be put on the Agenda and that's about as far as it should go. In regards to adding anything on, a resolution and all that, that's premature. That should not happen by this Board. It sends a wrong message. Not just for this particular board, but what it says to all our advisory boards, people who volunteer to give us feedback; and I don't want them to think that at any moment the Board of County Commissioners would take action on the board without considering it. So we should not do that today, Commissioners. We should just put it on the Agenda in regards to discussion of Valkaria Airport Board; and I'd say that's all it should say.

Scarborough: I'll tell you, there's one other thing that bothers me is that this next month I think we have only one Commission meeting because we're so overloaded with so many diverse things. And when I say diverse, (unclear) the budget. Well, we're talking about things like parking of RV's. It is going to be difficult for the Commission to get through this hearing. I, unless there's a crisis they've got to act on I'm inclined to do it after we get through some of this heavy stuff. Commission, I think, is it, what have we got one time we talk about the RV's one night and then we go to talk about what is it the next night? The increase in the sewer and water rates the next night? I guess the thing is, you know, you'll be carrying us out in body bags.

Busacca: Yes, sir you have the fire assessment at one meeting, the sewer and water rates at another meeting, and the RV parking and final budget hearing on separate meetings.

Scarborough: Unless there's a crisis I would prefer to hear this once the Agenda sort of calms down a little. Now I've got Helen's light and then I'm going back to Jackie.

Voltz: I think it is the right thing to do now, and we can do it to any board at any time. That is purely our prerogative to do that. So for somebody to think that we shouldn't do this right now, it is our responsibility to make sure

that our employees are treated in a fair way, and they are not being treated in a fair way right now. And it's because of the people who serve, not all of them, some people, on that VAA Board. And I think that needs to happen and it needs happen now; and there's absolutely no reason for it not to happen now.

Scarborough: Okay, let's see I've got Jackie's light next.

Colon: Yes, Mr. Chairman, the next meeting is August 19<sup>th</sup>. We can add it to the Agenda, and the reason why I believe is because there's another meeting on September 2<sup>nd</sup>, which means if the Board does not give a direction or does not take some kind of action this is going to happen all over again on September 2<sup>nd</sup>, which is what the community is trying to avoid. I don't see a problem just adding it to, as another item, and discussing it; and at that point, because of the fact that there's another meeting, coming and we don't want instant reply; and at that point I think it's going to probably get worse. So I would not have a problem adding it to the Agenda, but not taking any action that is drastic and sending the wrong message.

Scarborough: Okay, Mary and then Chuck.

Bolin: Mel, this is a question to you. They were talking about the hangar grant, or the money for that. Are we running into any difficulty as far as making sure we are timely on that?

Scott: No, actually I'm glad to have an opportunity to clarify the record. The T-hangar is on its way, its on-track. The materials are being delivered. That grant is in-place and we're working upon that.

Scarborough: Chuck.

Nelson: I just wanted to, you know, to clarify that too. And I'm not aware that we have turned away any FAA Funds. You know . . .

Busacca: A few years ago.

Nelson: Well, I was going to say I haven't done that so okay.

Busacca: Yes, sir. It's been a few years.

Nelson: But, you know, the point being is that Steve certainly got the ability to bring any grant to the Board of County Commissioners as all are required to do. It doesn't matter what department it is. When a grant opportunity comes in, you know, unless the Board is given a previous approval it has to come back to the Board so that's no unusual. So if there are grant funds out there then he needs to move those forward; and that has happened where advisory boards can't come to agreement and the department head or whoever brings it forward. But, I would concur with Commissioner Colon is that I don't mind putting it on the Board for discussion, but I think you need to have both sides of the discussion here and not just one.

Scarborough: And Helen.

Voltz: It was not my intension to do something here today but to move forward because we do have to change the Ordinance. And there is a message and the message is do away with the board, protect our County employees, because there is absolutely no way that we would ever allow that to happen in this venue and we shouldn't allow it to happen to any other venue in this County.

Scarborough: Helen, I have a question for you. If a member or a couple of members of a board act disrespectful, is that in itself the issue of abolishing the board? If it deals with the behavior of certain individuals and the board still serves a purpose, so I'm going to ask the question does the board serve a purpose. Like Chuck said, does it serve a purpose for the Board to have an intermediary out there? Now I have, with my experience, found that we have limited time to discuss issues. Unless we meet five times a week for twelve hours a day we're going to have to look to boards. If it is a problem with individual behaviors that is not in itself a reason for me to abolish a board. It may be an indication that we need to have a different attitude of how we do business on the board, but we still may need the board.

Voltz: Well, here's the issue. We have, we should treat that like any other department. Steve runs the department or whoever is the Airport Director, they run the department. They go by the budget, they go by the Plan. If they have something that they needed to bring before us, something that, a change in the Master Plan, whatever, then they need to bring it before us. They should be treated as any other County department. No other department director in this County has to put up with what Steve Borowski has to put up with. Nobody. And we are not protection him in any way, shape, or form, and it's just not right that we leave him hanging our there by himself at the Airport with the harassment that he receives. It should not happen. No other department director has to put up with that, and so the Airport should be one department just like every other department that we have; and every other department does not have a board to guide them and direct them and neither should they.

Scarborough: Well, let me go to Mary and then I'll come back to you Chuck.

Bolin: I think what we're concerned about right now is whether or not on the 19<sup>th</sup> of August we're going to be able to address this fully. Is it possible Mel, that since they have meeting on September the 2<sup>nd</sup> we can postpone their meeting to give us more time?

Scott: The only issue in play regarding them not meeting on the 2<sup>nd</sup> would be that staff is preparing to bring for Board consideration after that meeting the NFAA Grant for safety features in the Airport, which include the (unclear) and runway painting. So that was the purpose behind them getting together on the 2<sup>nd</sup>. So the Board would be foregoing, I guess one could say, those recommendations and feedback on that proposal, which you would be hearing subsequent.

Scarborough: Chuck.

Nelson: Mel, aren't those in the Master Plan?

Scott: Yes, they are.

Nelson: So, I'm not sure why it would have to go before them, but. I don't mind talking about it. I don't even mind putting them in some kind of deferred status until we're had a chance to talk about it, but I think we need to have the discussion at the Board level but without a pending action. Just to see if we can get them on-track because they do serve a purpose; it is always going to be contentious, an airport is going to be contentious by nature, whether it's Melbourne Airport or any other airport, any time that that happens.

Voltz: How many complaints do you get from Merritt Island Airport? They're four times the size of Valkaria. How many complaints do you get?

Nelson: We can go into the history of how the two airports were developed . . .

Voltz: I'm just asking how many complaints do you get in your office from the Merritt Island Airport?

Nelson: Actually none, so . . .

Voltz: No, exactly, exactly. And they have . . .

Nelson: No, no, no, no, Helen, my turn to speak. Let's face it, Merritt Island Airport has been there in a continuous running fashion for years and years and years. We have, at Valkaria Airport had a period of time when it wasn't operational and frankly I wish it had been because that started the mess.

Voltz: It's always been operational.

Nelson: No, they were running races down there for a few years for Heaven's sake, so.

Scarborough: Well, you know, we're gonna, I think we have a consensus to put it on the 19<sup>th</sup>. I had a 10:00 time certain. Most of the people here came here for a 10:00 time certain. So, Jackie I think you said let's put it on the 19<sup>th</sup>? We can discuss it further then. I really think that public comments are just to sort of alert us to issues and direct us and we'll come back and everybody will know about it; and we'll be better briefed and better prepared. Mary your lights on.

Bolin: I was just going to say, do we want to go ahead and have them postpone the September 2<sup>nd</sup> meeting so that we can have a full discussion on the 19<sup>th</sup>?

Scott: We're able to do that if it's the Board's pleasure. The VAAB, per the Resolution, serves at the pleasure of the Board; they are required to meet quarterly; and if that's the direction that we receive, that is easily accomplished.

Scarborough: Okay, Jackie.

Colon: Yes, Mr. Chairman, we want to make sure too that for the August 19<sup>th</sup> meeting that the entire advisory board is invited to make sure that they're here. And like Commissioner Nelson made it perfectly clear there's a Master Plan that has been approved by this Board, which means the Board of County Commissioner's take action on that Master Plan. There's absolutely no reason why the VAAB would have to, especially since we, its already been voted on.

Scarborough: Absolutely, Jackie. If it's already to that point.

Colon: So we can take action on that. You need to present that to us as soon as you can; and we definitely need to wait, like Commissioner Bolin says, until that meeting until this Board takes action. So August 19<sup>th</sup> would be .

Scarborough: It'll be on the 19<sup>th</sup>. Okay without further delay I am going to go on into our public hearing.