



**AGENDA  
AIRPORT ADVISORY COMMISSION  
REGULAR MEETING  
OCTOBER 12, 2023  
6:00 PM  
CITY HALL COMMISSION CHAMBERS  
204 ASH STREET  
FERNANDINA BEACH, FL 32034**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES**
  - 4.1 August 10, 2023 AAC Minutes
- 5. PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA**
- 6. OLD BUSINESS**
- 7. NEW BUSINESS**
  - 7.1 MEMORANDUM: Conduct of a Public Officer if there is a Conflict
  - 7.2 Meeting Frequency
- 8. AIRPORT DIRECTOR AND STAFF REPORTS**
- 9. COMMISSION MEMBER REPORTS/COMMENTS**
- 10. NEXT MEETING DATE**
- 11. ADJOURNMENT**

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired). All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Airport Director.

1. **Call to Order:** Vice Chair Chuck Colcord called the meeting to order at 6:00 pm.
2. **Members Present:** Vice Chair Chuck Colcord, Members Tom Piscitello, Robert Sell, Prudence Hostetter, Hugh Giggy, George Haffey,  
**Members Absent:** Chair Doug Geib, Member Tom Lockie  
**Staff Present:** Sam Carver, Airport Director, Robert Kozakoff, Airport Operations, Dave Broughton, Staff Assistant

3. **Pledge of Allegiance**

4. **Approval of Minutes:** The June 2023 AAC Regular Meeting Minutes were presented for approval to the AAC. Member Sell requested the minutes be amended to show Mr. Edlin is a former AAC member

**A motion was made by Member Hostetter, seconded by Member Giggy to approve the June 2023 AAC Regular Meeting Minutes as amended. A vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

5. **Old Business:**

No old business was brought before the AAC.

6. **New Business:**

No new business was brought before the AAC.

7. **Airport Director And Staff Reports:**

Director Sam Carver briefed the AAC on several projects and happenings at the Airport.

- A. The City Commission had a workshop regarding the City budget, which includes the Airport Budget for the next fiscal year. The Airport has a positive balance of \$862,000 and he expects to add to reserves in the coming Fiscal Year.
- B. FY 2023-2024 Airport Projects Planned: Rehab and design for Runway 13/31, and Taxiway A, Hangar B apron and stormwater and drain improvements. The purchase of a new John Deere Tractor/Mower is also planned.
- C. The City representatives met with the FAA and Passero representatives to discuss the Ybor Alvarez Sports Complex. He anticipates it will take about a year for the process to be completed.
- D. Director Carver and Robert Kozakoff attended the 54<sup>th</sup> Annual Florida Airports Council Conference and Exposition in Palm Beach in July. They met with FDOT project managers and Mr. Carver discussed having a vendor come do an emergency exercise at the Airport. Mr. Carver attended a session on aircraft noise, and he is on a committee regarding this issue. The FAA is taking public comment regarding noise policy.
- E. Director Carver reported to the AAC about his trip to Craig Airport to discuss the FHB noise abatement procedures with several flight schools. He said it was very productive.

Airport Staff Assistant Broughton thanked Member Colcord for his participation in several recent homeschooled tours. He supplied a CAP aircraft to demonstrate a pre-flight check.

**8. Commission Member Reports/Comments:**

Member Sell mentioned that he had created a video on the FHB Noise Abatement Procedures last year. This may be beneficial to future talks about aircraft noise. This video is available on the City website in the Airport section.

**9. Public Comment Regarding Items Not On The Agenda:**

None

**10. NEXT MEETING DATE: OCTOBER 12<sup>TH</sup>, 2023**

**11. Adjournment:** There being no further business to come before the Airport Advisory Commission, the meeting was adjourned at 6:22 pm.

  
Secretary

  
Chuck Colcord, Vice-Chairperson



Sept. 18, 2023

## MEMORANDUM

### Conduct of a Public Officer If There Is a Conflict

A “**public officer**” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body. *See Section 112.3143(1)(b), Fla. Stats.*

The voting-conflicts portion of the ethics law (Chapter 112.3143, Florida Statutes) treats appointed and elected public officials somewhat differently.

An **elected public official** may not vote if there is a conflict, and prior to the vote being taken must reveal the conflict, abstain from voting and file the necessary written document explaining such conflict within 15 days. That document [Commission on Ethics Form 8(B)] must be incorporated into the minutes of the meeting. *See Section 112.3143(3)(a), Fla. Stats.*

State officers may vote.

An **appointed public officer** may not participate or vote in a conflict situation and must file a written memorandum [Commission on Ethics Form 8(B)] reflecting such conflict prior to the meeting at which the matter is considered. This memorandum also must be incorporated into the minutes of the meeting, must be provided to the other members of that board or committee, and must be read publicly at the next meeting held subsequent to the filing of the written memorandum. If the conflict is unknown prior to the meeting, a disclosure has to be made orally at the meeting following when the conflict is known, a written memorandum has to be filed within 15 days, the memorandum must become part of the minutes, and the memorandum has to be distributed to the other members of the agency and read publicly at the next subsequent meeting. *See Section 112.3143(4)(a-c), Fla. Stats.*

There is an interesting **distinction between the duties of an elected official and an appointed official**. The elected official must state the conflict, but there is nothing in the statute that appears to limit the participation of the **elected official** on the matter before the elected body. **The fact of the conflict only needs to be made public prior to the vote.** This could obviously occur long after the elected public official gave his or her opinion on the issue and attempted to persuade the other members of the city commission or city council to a particular decision.

An **appointed public official** is much more restricted because that **official cannot “participate” without first disclosing the conflict.** The statute defines the term “participate” to mean any attempt to influence the decision by oral or written communication.

From the reading of this statute, it appears that an elected official can attempt to influence a decision even though that official has a conflict. Appointed officials are not so privileged.

Excerpts by: John Hubbard, Esq., City Attorney, City of Tarpon Springs, Florida – Florida League of Cities Publication, *Quality Cities Edition March/April 2011*



**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

**IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:**

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, \_\_\_\_\_, hereby disclose that on \_\_\_\_\_, 20 \_\_\_\_ :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_ ;
- inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

\_\_\_\_\_ Date Filed

\_\_\_\_\_ Signature

**NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.**

ORDINANCE 2022-33

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING ORDINANCE 2014-05 TO CLARIFY TERMS OF OFFICE AND WHEN REGULAR MEETINGS ARE HELD; PROVIDING FOR FURTHER AMENDMENTS TO THIS ORDINANCE AND AIRPORT ADVISORY COMMISSION ROLES AND RESPONSIBILITIES BY RESOLUTION; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach is responsible for ownership and operation of the Fernandina Beach Municipal Airport; and

WHEREAS, in 2011, the City Commission established roles and responsibilities of the Airport Advisory Commission (AAC) via Resolution 2011-45. These roles and responsibilities were later amended via Ordinance 2014-05 and removed from the Land Development Code; and

WHEREAS, the City Commission wishes to amend the terms of office of AAC board members, declare that regular meetings are held bi-monthly and that further amendments to the AAC roles, terms, meeting dates or responsibilities may be adopted by resolution of the City Commission.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby amends the AAC roles, responsibilities, terms and meeting schedule as follows:

- a) The AAC ~~shall~~ consists of seven (7) members appointed by the City Commission and may include one (1) non-voting member appointed by the City Commission;
- b) Members will attend all regular and additional meetings. Regular meetings will be conducted bi-monthly. Additional meetings may be called with the consent of four voting members or by direction of the City Commission. All meetings will convene at City Hall.
- c) ~~b)~~ All members ~~shall~~must reside within the City limits; and a member who moves outside of the City will be removed immediately;
- d) ~~e)~~ Each member of the AAC serves at the pleasure of the City Commission;
- e) ~~d)~~ The term of office for all board members ~~shall be~~ is three (3) years, with expiring terms concluding on December 31 and new terms beginning on January 1. ~~effective with October 1 of year appointed unless appointed to fill a vacancy appointment continue for the term of the vacancy;~~
- ~~f)~~ ~~e)~~ ~~Members shall attend all regular and called meetings. Any member who has been absent without being excused for three (3) regular meetings in one (1) fiscal year shall be subject to removal;~~
  - f) Any member who has been absent for three regular meetings in one calendar year is subject to removal;
  - g) ~~f)~~ The AAC ~~shall~~ will have a chair and a vice-chair to conduct each meeting, but the non-voting member ~~shall~~ may not serve as chair or vice-chair. The Airport ~~Manager~~ Director or his/her designee ~~shall~~ will attend each meeting.
  - h) ~~g)~~ The chair and vice-chair ~~shall~~ will serve one (1) year terms (commencing January 1 and will be appointed annually by the voting members of the AAC;

- i) ~~h)~~ For the purpose of transacting business at any meeting, a majority of voting AAC members shall constitute a quorum;
- j) ~~i)~~ A member who is seeking re-appointment ~~shall~~ may continue to be a voting member for two (2) months beyond the ~~existing~~ expiring term, if necessary, to allow for the finalization of the appointment of new member or re-appointment by the City Commission;
- k) ~~j)~~ The AAC meetings are open to the public and its members are subject to the Florida Sunshine Law and Public Records Act;
- l) ~~k)~~ All meetings will be conducted in accordance with parliamentary procedures as set forth and explained in the latest revised edition of Robert's Rules of Order, which ~~shall~~ serve as a guide for the rules of procedure of the meetings;
- m) ~~l)~~ Minutes of its proceedings, indicating the attendance of each member and decision of each member, signed by the chair, ~~shall~~ will be filed with the City Clerk.
- n) ~~m)~~ Members ~~shall~~ serve without compensation;
- o) ~~n)~~ The AAC ~~shall~~ may request/expect/receive information from the Airport ~~Manager~~ Director which is necessary in order to carry out specific roles and responsibilities in section ~~(o)~~ (p) below;
- p) ~~o)~~ The AAC will provide advice and make recommendations to the City Commission as follows:

1. Make recommendations regarding planning for the physical development and betterment of the Airport;
2. Make recommendations on the operation of the Airport and for the improvement of the operation;
3. Make recommendations regarding the sale or lease of City-owned property located on or adjacent to the Airport and land use of property adjacent to the Airport or land use of nearby properties that could reasonably affect or prevent safe operations at the Airport;
4. Make recommendations regarding the requested use or proposed grant of concessions on the Airport property;
5. Make recommendations regarding policies, such as Airport Rules and Regulations and Airport Minimum Standards, and rates to be charged for the use of Airport property, including hangar rent, Airport use fees, landing fees, parking fees, and other charges to the general public for the use of the Airport;
6. Perform all acts requested by the City Commission to advise and assist in the continued operation and betterment of the Airport.

SECTION 2. Amendments to this Ordinance and the roles, responsibilities, meeting dates, quorum and terms of office of the Airport Advisory Commission may be amended by resolution of the City Commission.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This Ordinance shall take effect immediately after its final enactment.

ENACTED this day 1st of November 2022.

ATTEST:



CAROLINE BEST  
City Clerk

CITY OF FERNANDINA BEACH



MICHAEL A. LEDNOVICH  
Mayor – Commissioner

APPROVED AS TO FORM & LEGALITY:



TAMMI E. BACH  
City Attorney

Date of First Reading: October 4, 2022  
Date of Second/Final Reading: November 1, 2022  
Date of Publication: October 19th, 2022