

Minutes of Fairhope Airport Authority
Special Meeting
January 19, 2022

The Fairhope Airport Authority met January 19, 2022 at 5:30PM at The Nix Center located at 1 Bayou Drive.

Present: Don Lagarde, Chairman, Will Bruce, Amy Pearson, and Vince Boothe. Chip Groner, Jack Burrell and Pel Henry were absent. Also present was Josh Myrick, Attorney. Cynthia A Boothe took the Minutes.

Executive Session: Executive Session under Section 36-25A-7(3), Code of Alabama to discuss pending litigation-advice from counsel regarding pending litigation. Josh Myrick certified the Executive Session to be conducted by the Board of Directors of the Fairhope Airport Authority in the Special Meeting on January 19, 2022 falls within the purposes described in 36-25A-7(3), Ala. Code 1975, and that the “pending litigation” exception is applicable to the planned discussion. A motion was made by Vince Boothe to enter into Executive Session for the reasons stated above, second by Amy Pearson. A roll call vote was taken and Don Lagarde, Will Bruce, Amy Pearson and Vince Boothe all voted ‘Aye’. The Authority Members moved to Executive Session at 5:35PM for approximately 15 to 20 minutes.

The Airport Authority members returned from Executive Session at 6:02PM and reconvened the meeting with a motion by Amy Pearson, second by Vince Boothe and unanimously passed.

Review and consideration of status of FBO Lease with Continental Aerospace: Vince Boothe stated that the letter sent by Skinner Law Group, who represents Continental Aerospace stating they will notify all tenants by letter email should be sent registered letters stating that no tenant need move their aircraft before March 31, 2022.

Will Bruce stated that he felt the letter sent evicting the tenants was uncalled for and agreed with Vince that a registered letter needs to be required to be sent to all tenants stating they do not have to move before March 31, 2022.

Amy Pearson asked about how the evictions are connected to the differences between the Airport Authority and Continental Aerospace. Don Lagarde stated that was a good question and invited the representatives of Continental Aerospace present at the meeting to comment. Richard Pennington, Director of Operations for Continental in Mobile and Baldwin Counties, stated that they had a town hall meeting with the tenants last week and would be having another one on Friday and they are trying to be very transparent with the tenants but declined to answer Amy's question.

Don Lagarde asked if there were any other comments or discussion and Richard Pennington stated that he wanted to reinforce what he said in October that they have new leadership and Continental is committed to their customers, their team, The City of Fairhope and to the Airport Authority to find solutions. They want to fulfill the obligations of their lease and look forward to the opportunity of sitting down with the Authority and having conversation and map that out.

Jonathan Maples, one of the lawyers for Continental, stated that he agrees with Richard that they have an interest in resolving things, but that is all he is authorized to speak about at this time. He declined to answer questions from the Authority members. Attorney Brad Hicks, representing the Authority, asked if the modification to the letter asking that Continental send a registered letter to all tenants stating they do have to move their aircraft before March 31, 2022 could be accepted and Mr. Maples stated that he could not accept this modification at this time and invited the Authority to make a counter proposal with that modification.

Vince Boothe made a motion to accept the letter of January 18, 2022 outlining specific terms of negotiation and retraction of their letter to their tenants of eviction until March 31, 2022 and ask our attorneys to get with them and ask that the tenants are notified by registered mail and email, second by Will Bruce and unanimously passed.

Discussion of potential options and logistical matters for FBO operation: Vince Boothe stated that the Authority needs to be prepared to move forward with plans in place and needs to start discussions should the Authority have to take over operations at the Airport. Don Lagarde stated that the Authority needs to appoint a committee to start making plans necessary for the Authority to take

over operations if necessary and suggested that Vince Boothe and Chip Groner make up this committee. Will Bruce made a motion to appoint Vince Boothe and Chip Groner to the committee to make plans for operations at the Airport should it become necessary for the Authority to take over those operations, second by Amy Pearson and unanimously passed.

Comments from the public: Francis Ripp asked why there would be two FBOs at the Airport, when did it first come up and did anyone on the Authority or Council talk to anyone about taking over the FBO should Continental leave.

Don Lagarde stated that in Decembers 2020 while meeting with Continental that they stated that they were considering getting out of the FBO business and hangar business which concerned the Authority members. He also stated that the Mayor and Jack Burrell, who is a City Councilman and on the Airport Authority and Councilman Corey Martin are aware of it, but he has not talked to the other Council members.

Mr Ripp then asked why the Airport meetings are no longer recorded. He was told it was because of the overtime that would have to be paid to record it.

Don Lagarde stated that was a Mayoral decision and he would need to speak with the Mayor's Office.

A motion was made by Amy Pearson to adjourn, second by Will Bruce and unanimously passed.

Don Lagarde, Chairman

Submitted by Cynthia A Boothe