

MEETING MINUTES

PANAMA CITY – BAY COUNTY AIRPORT AND INDUSTRIAL DISTRICT

Opening:

The Board Meeting of the Panama City-Bay County Airport and Industrial District was called to order at 2:00 p.m., January 5, 2012, in the Airport Board Room by Chairman McKenzie.

The Invocation was given by Ms. Patty Strick.

The Pledge of Allegiance was led by Chairman McKenzie.

The Executive Secretary called the roll and indicated all Board Members were present.

Business Items:

a. **Consideration of Settlement Agreement with Phoenix Construction Services and C.W. Roberts Contracting**

This item provides for Board consideration and approval of a Settlement Agreement with Phoenix Construction Services and C.W. Roberts Contracting to resolve pending issues alleged in the litigation between the parties.

Mr. Pilcher, the Board's Vice Chairman, along with attorneys for the District, have worked with Phoenix Construction and its attorneys to develop a fair Settlement Agreement between the District and Phoenix Construction. The terms of the proposed written Settlement Agreement were discussed.

Mr. Harrison stated that his firm, along with attorneys from the Carlton Fields firm, recommends approval of the proposed Settlement Agreement.

Following Board discussion, Ms. Moliterno made a motion to approve the recommendation made by the airport's legal counsel and to enter into the Settlement Agreement with Phoenix Construction Services. Mr. Bruett seconded the motion. The vote was taken and the motion passed unanimously.

b. Debris Piles Removal and Disposal at PFN Airport

This item provides for Board approval and authorization to proceed with the removal and disposal of various debris piles at the old airport (PFN) and the approval of a lump sum contract with Marshall Brothers in the amount of \$358,312.50 to complete the work.

Staff stated that various debris piles were located at the old airport property, specifically in the wooded areas both northeast and south of the Maintenance facility. After recent discussions with St. Andrew Bay Land Company, the buyer of the property, the airport will remove the debris piles for off-site disposal and conduct post-removal testing in an effort to demonstrate that no residual impacts to the soil and groundwater remain after removal of the debris piles.

Due to the time sensitivity of accomplishing this work prior to closing on the sale of the old airport, and the associated risk of substantial loss to the District, coordination of this work required emergency action consisting of a simplified bidding process rather than utilizing formal advertising for sealed bids. As a result, the airport contacted three companies and provided each with a detailed overview of the project. Bids to perform the work were received from two of the three companies contacted. Marshall Brothers submitted a bid of \$358,312.50 and GAC submitted a bid of \$382,300.00.

The work will be scheduled on an accelerated basis and should take between two to three weeks to complete. The cost for the proposed work would be \$358,312.50 for clean-up efforts to finalize the closing of the sale of the old airport, and a contingency of \$41,687.50 for any further removal after initial test results. Staff recommends approval of these additional costs and selection of Marshall Brothers to complete the work.

Following Board discussion, Mr. Pilcher made a motion to approve a budget amount of \$400,000 for the debris pile removal and selection of the low bid submitted by Marshall Brothers in the amount of \$358,312.50 to complete the work, and authorization for the Board Chairman or his designee to execute any required documents, pending review and approval by legal counsel. The vote was taken and the motion passed unanimously.

Public Comments:

None.

Adjournment:

The meeting was adjourned at approximately 2:25 p.m. (CST).

Patty Strick, Executive Secretary

Andy McKenzie, Chairman